



**California Secretary of State
Electronic Filing**



LLC Registration – Articles of Organization

Entity Name: **Malveaux & Co. LLC**

Entity (File) Number: **202113310631**

File Date: **05/10/2021**

Entity Type: **Domestic LLC**

Jurisdiction: **California**

Detailed Filing Information

1. Entity Name: **Malveaux & Co. LLC**
2. Business Addresses:
 - a. Initial Street Address of Designated Office in California: **3838 Pendiente Ct. #104
SAN DIEGO, California 92124
United States**
 - b. Initial Mailing Address: **P.O. box 420256
San diego , California 92142
United States**
3. Agent for Service of Process: **Rachael M Medlin
3838 Pendiente Ct. #104
SAN DIEGO California 92124
United States**
4. Management Structure: **One Manager**
5. Purpose Statement: **The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.**


Electronic Signature:

The organizer affirms the information contained herein is true and correct.

Organizer: **Rachael Medlin**



Exhibit C
GLS CA Articles of Incorporation

	Secretary of State Articles of Incorporation of a Nonprofit Public Benefit Corporation	ARTS-PB- 501(c)(3)
IMPORTANT — Read Instructions before completing this form.		
Filing Fee — \$30.00 Copy Fees — First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00		
Note: A separate California Franchise Tax Board application is required to obtain tax exempt status. For more information, go to fb.ca.gov .		

FILED

Secretary of State
State of California

4804402

Filing Number

10/26/2021

Filing Date

1. Corporate Name (Go to www.sos.ca.gov/business/be/name-reservations for general corporate name requirements and restrictions.)

The name of the corporation is Girls Love STEM

2. Business Addresses (Enter the complete business addresses. Item 2a cannot be a P.O.Box or "in care of" an individual or entity.)

a. Initial Street Address of Corporation - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
5173 Waring Rd. Ste 87	San Diego	CA	92120
b. Initial Mailing Address of Corporation, if different than Item 2a	City (no abbreviations)	State	Zip Code
5173 Waring Rd. Ste 87	San Diego	CA	92120

3. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL — Complete Items 3a and 3b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix
Erica		Beal	
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
6347 Park Ridge Blvd	San Diego	CA	92120

CORPORATION — Complete Item 3c. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (If agent is a corporation) — Do not complete Item 3a or 3b

Item 4a: One or both boxes must be checked.

4. Purpose Statement Item 4b: If "public" purposes is checked in Item 4a, or if you intend to apply for tax-exempt status in California, you must enter the specific purpose in Item 4b.)

- a. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for: ☒ public purposes. ☒ charitable purposes.
- b. The specific purpose of this corporation is to encourage young women to choose a career in STEM

5. Additional Statements (See Instructions and Filing Tips.)

- a. This corporation is organized and operated exclusively for the purposes set forth in Article 4 hereof within the meaning of Internal Revenue Code section 501(c)(3).
- b. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
- c. The property of this corporation is irrevocably dedicated to the purposes in Article 4 hereof and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person.
- d. Upon the dissolution or winding up of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable, educational and/or religious purposes and which has established its tax-exempt status under Internal Revenue Code section 501(c)(3).

6. Read and Sign Below (This form must be signed by each incorporator. See Instructions. Do not include a title.)

Erica Beal
Signature

ERICA BEAL
Type or Print Name

EXHIBIT “C”

JINGOLI POWER



October 7, 2022

Sent via email to Erica Beal: eb@avivv.com

AVIVV, LLC
ATTN: Erica Beal, CEO
6347 Park Ridge Boulevard
San Diego, CA 92120

Re: AVIVV, LLC ("AVIVV" or the "Company") Proposal

Dear Erica,

This proposal (the "Proposal") is provided to you, Erica L. Beal ("Beal"), by Jingoli Power, LLC ("JPOW") (Beal and JPOW are collectively, the "Parties" or individually, a "Party"), and is subject to ARTICLE XIII (Non-Disclosure) of the Limited Liability Operating Agreement of AVIVV dated September 10, 2019 previously executed by the Parties.

The following outlines JPOW's Proposal to Beal and a path forward for AVIVV accordingly:

- Wind down operations of AVIVV before December 31, 2022 (the "Closing");
 - Dissolve AVIVV by the Closing in the State of New Jersey, State of California and close business operations with the IRS as it relates to the Company's FEIN;
 - Beal will notify any agency in writing for which AVIVV is certified as a DBE, MWBE, WBE, etc. prior to Closing;
 - Beal and JPOW would receive their pro rata share of (a) cash and (b) uncollected receivables (the "AVIVV Receivables") less any intercompany balances, loan payments, and accounts payable due ("AVIVV Liabilities") (the "AVIVV Receivables Payments"). These AVIVV Receivables Payments will be made (a) when cash is no longer needed in the AVIVV account and (b) as uncollected receivables are received less the corresponding paydown / payoff of any AVIVV Liabilities due at that time. There will be a true-up of AVIVV Receivables Payments less AVIVV Liabilities within ninety (90) days of the Closing;
 - The contracts noted within Exhibit A for which JPOW is the Prime Contractor will remove AVIVV as the Subcontractor by the Closing and JPOW will pay Five Hundred Thousand US Dollar (\$500,000) to Beal as additional consideration ("Beal Additional Consideration"). The Beal Additional Consideration will be paid within thirty (30) days of the execution of the Closing Documents as defined below;
 - The balance of the AVIVV contracts noted within Exhibit B will be assigned to a Beal owned/operated company by the Closing with no additional consideration to JPOW;
 - The Company bid noted within Exhibit C that has been submitted prior to Closing, will be transferred for a mutually agreed to fee (the "Bid Fee") by both Parties to either JPOW or a Beal owned/operated company;
 - At Closing, both Parties will provide a written indemnity agreement indemnifying and releasing the other Party and the Company from any future claims (the "Indemnity Agreements"); and
 - After acknowledgement and acceptance of the Proposal, JPOW and Beal will jointly endeavor to wind down the Company as well as definitive agreements and transaction documents (the "Closing Documents"), as applicable, in pursuit of Closing.

JINGOLI POWER



100 Lenox Drive, Suite 100, Lawrenceville NJ 08648
Office: 609.896.3111 | Fax: 609.896.3415

JINGOLI POWER



Respectfully,

Karl D. Miller
CEO – Jingoli Power, LLC

ACKNOWLEDGED AND AGREED :

Erica L. Beal

JINGOLI POWER



100 Lenox Drive, Suite 100, Lawrenceville NJ 08648
Office: 609.896.3111 | Fax: 609.896.3415



Exhibit A
AVIVV Contracts – JPOW Prime Contractor

#	Exhibit	Owner	Contractor	Subcontractor	Role
1	A	SDG&E	JPOW	AVIVV	FCA Subcontract
1	A	PSE&G	JPOW	AVIVV	MMC Subcontract



Exhibit B
AVIVV Contracts – Assigned to Beal Owned/Operated Company

#	Exhibit	Owner	Contractor	Subcontractor	Role
1	B	SDGE	E2	AVIVV	Subcontract
2	B	PSEG	Burns and McDonald	AVIVV	Subcontract
3	B	Multiple Owners	ILB	AVIVV	Subcontract
4	B	SDGE	NV5	AVIVV	Subcontract



Exhibit C
AVIVV Bid

#	Exhibit	Description
1	C	On 8/26/2022 AVIVV, LLC submitted a response to a Request for Proposal ("RFP") for SDG&E RFP# 135749 - City of San Diego Surcharge Program (20SD) – Program Management & Support Services

EXHIBIT “C”

From: Beal, Erica <eb@avivv.com>

Sent: Tuesday, June 27, 2023 3:14 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: Jaime Chapman <jchapman@milspousechamber.org>; mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbcc-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany <brabe@jingoli.com>

Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner - Compliance/Violations/Laws

Importance: High

Dear Representatives of Jingoli Power,

Your attorney, Mr. Zoller, stated in a telephonic conference with my lawyer that Jingoli Power, LLC (JPOW) will not be authorized to send the money owed to Erica Beal. He also stated that I should prepare a service agreement if I want to get paid. Both these requests are **not** required by law or the operating agreement since I am 51% CEO and majority owner of AVIVV, LLC. At this time, by failing to provide me with financial control over my company, you are exposing me and the organization to potentially be in violation of the law. Mr. Zoller indicated that you would like to evade your liability and exposure to being responsible for paying me damages for your fraud and deceitful conduct by dissolving AVIVV, LLC. That is out of the question until the financial issues are resolved.

You continue to bully and retaliate against me when I make the modest request that you acknowledge my authority and responsibilities as CEO and 51% majority shareholder. Karl Miller stated to a fellow AVIVV employee and me personally: "We are billionaires, and you can never fight us. If you don't do what we ask, then we will sue the shit out of you and take you down and your family as well." He confirms your business practices of retaliation and discrimination. As Members, you continue to violate the Operating Agreement and ignore my role as the CEO. This continued discrimination against me as a woman, minority, and military spouse is unlawful.

Rather than amicably collaborating with your recent financial AVIVV discovery of \$700k, JPOW demands a share of the distribution when I have not been compensated in over six months. Since AVIVV's inception, my CPA, attorney, and I – have requested access to the accounting and bank accounts you continue to refuse to provide, violating the operating agreement.

In less than a week after you “discovered” the excess \$700k, I received an email from Mike Jingoli’s admin with another legal threat and a claim against me personally with AAA. These threats and false accusations are efforts to tarnish my reputation, my exhaust personal funds, bully and intimidate me. For the record:

- I have not been paid a salary as CEO of AVIVV from February to July of 2023.
- I have not received any AVIVV LLC preliminary financials to review for (Feb. – June 2023), for which JPOW states that they want to manage back office and financial preparation.
- I have requested access to the Accounting and Bank Accounts per Article X in the Operating Agreement, and Jingoli Power LLC continues not to provide – violating the diversity certification, AVIVV operating agreement, and me personally as a woman and minority CEO.
- I received AVIVV December 2022 preliminary financials in May of 2023, encapsulating information in the form of conclusory financial reports generated by your accountants you hire.
- I have been forced to hire legal representation to protect myself from further discrimination, victimization, harassment, threats, bullying, prostitution, coercion, and financial duress (to name some).

Under New Jersey law pursuant to Title 42 Chapter 2C Article 4; California General Order 156; AVIVV LLC Operating Agreement, Women's Business Enterprise Council West, National Minority Supplier Development Council certification, Military Spouse Certification Chamber of Commerce Certification: **I, Erica Beal, 51% CEO and Managing Partner is entitled to, and you must provide me with the accounting and bank account which includes general ledger and direct accounting statements from the banking institution itself.** You continue to violate these mandates and then punish me.

I expect payment in the amount of \$25k on July 1, 2023, after having temporarily decreased the monthly payment from \$45k to \$25k because you have financially sabotaged and hurt AVIVV and me personally (which I have documentation to support these allegations). You have terminated valuable employees without my consent, and transferred them to your organization, further diluting the viability and strength of AVIVV, LLC.

I feel like you have treated me like a prostitute, and you are using me as a shield to mask that you are all white, middle-aged males, using me to sell your company as a diverse business to clients. As proof of this fact, Karl Miller shared in a meeting with a fortune 500, publicly traded engineer firm, “What do you need for a diverse business – a Mexican, a Black, a Woman-owned diverse business? We got it all.” He publicly admitted what I will prove in court or at an arbitration hearing, that your company abuses diversity laws.

Jingoli Power has refused to honor the operating agreement, which gives me control

over AVIVV LLC, and disgraced the spirit of CA General Order 156, the supplier diversity program. In addition, you have committed collusion by organizing numerous diverse businesses, demanding the same services offered as AVIVV, LLC, and then inserting control over the back office and financials by owning 49% (to name a few examples).

I requested AVIVV LLC checks multiple times but have not received them. You need to send the AVIVV LLC checks. I am requesting AVIVV LLC checks again. Jingoli Power's actions of discrimination, coercion and fraudulent practices have jeopardized diverse certification for AVIVV, LLC and me.

As CEO of AVIVV LLC, I signed an affidavit with the CPUC Clearinghouse that swears I am in control and 51% decision-making majority woman/minority owner. You must stop this retaliation and discrimination against me personally; in addition, you are forcing violations of the law.

In conclusion, please attend to and complete the following immediately:

- Disperse the monthly checks to Elysium Connections for \$25k starting July 1, 2023.
- Send AVIVV LLC Checks immediately to Erica Beal
- Send a check of \$357k to Erica Beal immediately (I must pay for AVIVV LLC 2021 outstanding tax liabilities that have been compounding daily because of Jingoli Power LLC delayed preparation, mismanagement in accounting and finances and personal hatred towards me as a woman and minority.
- Provide full access to AVIVV LLC Accounting and Bank Accounts (not limited to general ledgers, monthly banking institutions)
- All money transactions and contracts must be reviewed and approved by the CEO of AVIVV LLC, Erica Beal

Per California Public Utilities Commission Supplier Clearinghouse Participation and Agreement and Affidavit, "Any person or corporation, through its directors, officers or agents, which falsely represents a business as a women, minority, disabled veteran, or LGBT business enterprise in the procurement of, or attempt to procure, contracts from an electrical, gas, water or telephone corporation...shall be punished by a fine of not more than five thousand dollars, by imprisonment in a county jail for not more than one year or in the state prison, or by both that fine and imprisonment. In the case of corporation, the fine or imprisonment or both, shall be imposed on every director, officer, or agent responsible for the false statements."

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com
P: 619.569.7233 |

From: Beal, Erica <eb@avivv.com>

Sent: Friday, June 23, 2023 12:24 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbec-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany <brabe@jingoli.com>

Subject: AVIVV LLC CEO/51% woman/minority/military spouse owner requesting AVIVV checks and money to pay 2021 IRS

Dear Members:

As the CEO, I must run this Company in the best way possible, and I need intelligent access to the financial information for AVIVV, LLC.

I have sent three certified letters (attached) requesting the required financial information to manage and operate AVIVV, LLC. Jingoli Power, LLC has responded with condensed financial information generated by your accountants whom you hire. As the CEO, 51% majority owner, how can I control and operate AVIVV, LLC in the best interest without knowing the exact financials, general ledgers, and online bank statements?

I owe AVIVV tax liabilities from 2021 that are compounding daily. I am greatly concerned that I cannot access AVIVV's general ledger, real-time accounting, online statements, and checks.

In the past, I have addressed my concerns and fears for my family and myself for our safety. As officers, you have also failed to respond to this vital concern. Based on the past abuse and threats made to me directly in real conversations with your executives, I fear you will harm me. I am suffering from emotional distress and experiencing PTSD.

Therefore, I am making this final plea to you to comply with the law regarding financial disclosure and respect my concerns over personal safety.

I am the 51% majority shareholder of AVIVV LLC, and the Operating Agreement provides me full access to financial information and the authority to make all decisions regarding the company. Per California GO 156:

<https://www.cpuc.ca.gov/supplierdiversity/> (1.3, 1.3.1, 1.3.2, 1.3.3, [1.3.1.1](#), [1.3.1.2](#))

In the event you refuse to provide me with the full sum of \$700k, then you must provide me with a minimum of 51% for \$357,000.00, which you already stated I am owed.

At this time, I am not approving the remaining balance of \$343,000.00 to Jingoli Power,

LLC.

But since you have filed a claim with AAA against me, I am entitled to 51% of \$700k for \$357,000.00, which needs to be paid immediately (Provide a certified mail return receipt and tracking number no later than COB June 26, 2023.)

Attn: Erica Beal

6347 Park Ridge Blvd.

San Diego, CA 92120

All of your attempts at accusing me of violating the operating agreement are pretextual. You are trying to intimidate and bully me with false accusations and untrue facts.

I have a fiduciary responsibility for conducting business in AVIVV's best interest and I have fulfilled all my obligations of CEO of AVIVV, LLC, despite your actions meant to sabotage and hurt me. Since AVIVV's inception, you coerced me to incorporate in New Jersey, knowing I was a California resident.

I have requested AVIVV LLC checks for three years. I am requesting again in email: Mail me AVIVV LLC checks (minimum quantity of 100). Provide a certified mail return receipt and tracking number no later than COB June 26, 2023.

As CEO, I believe it is improper for the checks of AVIVV LLC employees to originate from Jingoli Power LLC (JPOW) or any of its affiliates. I request AVIVV LLC to generate AVIVV employee checks by June 30, 2023. There should be no more co-mingling of funds.

Send me the money owed to me immediately that I have already approved as the CEO and 51% majority owner.

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com

P: 619.569.7233 |

[<image021.png>](#)

From: Rabe, Bethany <brabe@jingoli.com>

Sent: Friday, June 16, 2023 2:55 PM

To: Beal, Erica <eb@avivv.com>; Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: mbluemel@mcdougallawfirm.com

Subject: RE: AVIVV Recommended Distribution - Confidential & Proprietary - Intended for AVIVV Members

Erica,

As a following-up to your June 9, 2023 email to the Members of AVIVV below, JPOW's counsel has provided the attached documents to your counsel today. We would suggest that all further communications regarding these matters be handled by the Members' respective counsel.

Bethany Rabe | Executive Assistant to Michael Jingoli

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2201 C: 609.902.6262 E-mail: brabe@jingoli.com

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From: Beal, Erica <eb@avivv.com>

Sent: Friday, June 9, 2023 6:44 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: Mark-Robert Bluemel <mbluemel@mcdougalllawfirm.com>

Subject: RE: AVIVV Recommended Distribution - Confidential & Proprietary - Intended for AVIVV Members

Dear Members of AVIVV, LLC:

- I am sorry, but I do not agree to request a vote.
- I do object and vote "no."

Part 1:

As 51% owner, CEO, and managing partner of AVIVV LLC, I authorize the \$700,000.00 to be disbursed to Erica Beal. The \$700,000.00 is a start; since, respectfully, I am owed far more, it can offset my total sum.

Please send a \$700,000.00 certified check with tracking number no later than COB June 12, 2023, from AVIVV LLC to:

Attn: Erica Beal
6347 Park Ridge Blvd.
San Diego, CA 92120

Part 2:

Under California and New Jersey law regulations and diversity certification, it is improper for the checks of AVIVV LLC employees to originate from Jingoli Power LLC (JPOW) or any of its affiliates. It appears JPOW and some AVIVV LLC members continue to jeopardize AVIVV LLC certified diversity status. Please ensure AVIVV LLC generates AVIVV employee checks. There should be no more co-mingling of funds.

Part 3:

I do not understand the financials JPOW or its affiliates back office in-house accounting prepares. I am very concerned regarding the five-month delay in preparing preliminary monthly statements.

- I received 2022 December preliminary financials on May 19, 2023, and I am still awaiting preliminary financials for January, February, March, April, and May 2023. The ongoing pattern of delays and lack of access to the real-time financials from JPOW and its affiliates has caused AVIVV LLC and me personally to incur tax penalties compounding daily. *Email justification attached.*
- I received 2021 AVIVV LLC audited financial statements on February 22, 2023 (2 years later). *Email justification attached.*

Part 4:

I have a fiduciary responsibility for conducting business in AVIVV's best interest, and I am requesting the following, but not limited to:

- Contracts/records
- Cash
- Real-time accounting
- General ledger(s)
- Access to online bank accounts
- Please send AVIVV LLC checks (minimum quantity of 100) certified check with tracking numbers no later than COB June 12, 2023

Send to:

ATTN: Erica Beal

5173 Waring Rd. Ste. 87

San Diego, CA 92120

I have been forced to retain legal counsel to protect myself from further victimization, harassment, threats, isolation, coercion, and debt bondage (to name a few).

I do not want this to escalate further.

I want to work amicably and ensure we comply with and do not compromise our diversity certifications, compliance, and laws/regulations.

I am the 51% majority shareholder of AVIVV LLC, and the Operating Agreement provides me with full access to the financial information and the authority to make all decisions regarding the company. You have only provided encapsulated information and consistently undermined my efforts. Regardless, I have honored the partnership and performed my duties as the CEO of AVIVV LLC. I continue to develop and cultivate lucrative financial opportunities and contracts with new clients.

<https://www.cpuc.ca.gov/supplierdiversity/>
https://docs.cpuc.ca.gov/Published/General_order/59939.htm

"1.3. Definitions

1.3.1. "Commission" means The California Public Utilities Commission as provided for in Article XI of the California Constitution.

1.3.2. "Women-owned business" means (1) a business enterprise (a) that is at least 51% owned by a woman or women or (b) if a publicly owned business, at least 51% of the stock of which is owned by one or more women; and (2) whose management and daily business operations are controlled by one or more of those individuals.

1.3.3. "Minority-owned business" means (1) a business enterprise (a) that is at least 51% owned by a minority individual or group(s) or (b) if a publicly owned business, at least 51 % of the stock of which is owned by one or more minority groups, and (2) whose management and daily business operations are controlled by one or more of those individuals. The contracting utility shall presume that minority includes, but is not limited to, Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other groups, as defined herein.

1.3.11. "Control" means exercising the power to make policy decisions.

1.3.12. "Operate" means being actively involved in the day-to-day management and not merely acting as officers or directors."

I feel JPOW and some AVIVV LLC members have created a dangerous environment where I am living in fear for my safety and life, and you have incorporated my family's well-being. As a woman, minority, and military spouse, I am scared due to his malicious actions, specifically with Karl Miller. I am pleading not to receive any further retaliation from JPOW and its affiliates for my request to fulfill my role as CEO of AVIVV LLC.

Thank you for your prompt attention to this matter.

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com

P: 619.569.7233 |

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[<image019.png>](#)

[<image021.png>](#)

Confidentiality Statement: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination, or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONING THE SENDER NAMED ABOVE AT (619) 569.7233. Thank you

From: Rabe, Bethany <brabe@jingoli.com> **On Behalf Of** Jingoli, Michael
Sent: Wednesday, May 31, 2023 9:58 AM
To: Beal, Erica <eb@avivv.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Michael <mjingoli@jingoli.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: Rabe, Bethany <brabe@jingoli.com>
Subject: RE: AVIVV Recommended Distribution

Erica,
Please cast your vote as YES or NO.

Michael D. Jingoli | CFO

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2200 C: 609.213.6640 E-mail: mjingoli@jingoli.com

<image025.jpg>

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From: Miller, Karl <kmiller@jingolipower.com>
Sent: Friday, May 26, 2023 9:12 AM
To: Gibson, Brian <bgibson@jingolipower.com>
Cc: Jingoli, Michael <mjingoli@jingoli.com>; Beal, Erica <eb@avivv.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>; Rabe, Bethany <brabe@jingoli.com>
Subject: Re: AVIVV Recommended Distribution

Yes

Karl Miller
847.910.8882
kmiller@jingolipower.com

On May 25, 2023, at 8:05 AM, Gibson, Brian

<bgibson@jingolipower.com> wrote:

YES

From: Rabe, Bethany <brabe@jingoli.com> **On Behalf Of** Jingoli, Michael
Sent: Thursday, May 25, 2023 9:32 AM
To: Beal, Erica <eb@avivv.com>; Miller, Karl <kmiller@jingolipower.com>;
Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil
<pschuda@jingolipower.com>; Jingoli, Michael <mjingoli@jingoli.com>;
Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: Rabe, Bethany <brabe@jingoli.com>
Subject: AVIVV Recommended Distribution

To the Members of AVIVV:

AVIVV is currently operating with enough excess cash for a \$700,000 distribution total (\$357,000 to Beal [51%] and \$343,000 to JPOW [49%]).

Please reply to this email as YES if you are in agreement with the above distribution or NO if you are not.

If approved, we can make the distribution this week or next and it can be utilized for tax liabilities, tuition, or any other Member intended purpose.

Thank you.

Michael D. Jingoli | CFO

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2200 C: 609.213.6640 E-mail: mjingoli@jingoli.com

<image001.jpg>

The information contained in or attached to this e-mail message may contain confidential and privileged information, and is intended only for the use of the named receiver. If you are not the named receiver or the person responsible for delivering this e-mail message to the named receiver, you are notified that any use of this e-mail message, its attachments, or their contents, including any dissemination, distribution or copying, is strictly prohibited. If you have received this e-mail message in error, please notify us immediately by telephone or reply e-mail message and delete the e-mail message from your computer. Thank you.

EXHIBIT “D”

From: Gibson, Brian <bgibson@jingolipower.com>
Sent: Wednesday, June 28, 2023 12:52 PM
To: Beal, Erica <eb@avivv.com>
Cc: Jaime Chapman <jchapman@mils spousechamber.org>;
mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbec-west.org>;
stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany
<brabe@jingoli.com>; Robert P. Zoller <RZoller@eckertseamans.com>; Jingoli, Michael
<mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Schuda, Phil
<pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>
Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner -
Compliance/Violations/Laws

Erica,

JPOW's attorney was planning to follow-up with your attorney after their call on Monday to chart a course forward to try to resolve any outstanding issues through a meeting between counsel and you and Michael Jingoli and, if that approach was unsuccessful, the parties can opt for mediation in advance of the Arbitration proceeding. As you continue to send self-serving e-mails with false, misleading and unsubstantiated allegations and have chosen to copy agency representatives, we feel compelled to respond to complete and correct the record.

As you know, when AVIVV was formed in 2019, JPOW funded the start-up of the Company and was tasked with all back-office functions, including payroll, employee benefits, accounting etc., among other responsibilities. You serve as the Company's CEO and were tasked with the day-to-day operations and business development. Initially, you provided services to JPOW through a Consulting Agreement arrangement spanning February 2019 through January 2022 and you were paid \$ 20,000 per month. However, in February 2022, you decided not to renew your Consulting Agreement and indicated your services would be provided as a Member of the Company via a Services Agreement by and between Elysium Connections, Inc., owned by you, and AVIVV. Under the Services Agreement you were paid \$45,000 a month, for 12 months totaling \$540,000. In January 2023, the 2022 Services Agreement was set to expire and a new Services Agreement was prepared and forwarded to you for execution. For some reason, you decided not to renew your Services Agreement with the Company. Without monthly disbursements to the Members through Services Agreements, profits began to accumulate.

In 2022, JPOW learned of activities by you that were self-serving and not in the best

interest of the Company . This involved formation and funding multiple new companies without notice to JPOW and contrary to the best interests of AVIVV. When confronted with this discovery, you denied knowledge and involvement, but JPOW subsequently learned through sworn testimony of a former employee that you funded these entities, were directly involved and authorized an AVIVV employee to conduct such activities on AVIVV company time. The specifics were outlined in a September 14, 2022 letter, a copy of which I have attached as Exhibit A. This prompted JPOW to submit a written proposal to you in October 2022 to dissolve the Company. While you solicited JPOW to make a proposal, you never responded to the proposal. A copy of the October 7, 2022, proposal is attached as Exhibit B. Since the submission of that proposal until today, it is unclear to JPOW what, if any activities, you have been performing on behalf of AVIVV. There has been little or no recent effort at business development for the benefit of the Company.

JPOW recently learned that you have formed yet another company (RADIX) without the knowledge of JPOW and which appears to be directly competing for the same types of projects and business that AVIVV was established to pursue. The promotional material you submitted to SCE in June on behalf of RADIX is attached hereto as Exhibit C. Surprisingly, the RADIX promotional material contains photos taken at a JPOW project site, without JPOW knowledge or permission. It is now clear why little or no real business development activities were conducted by you for the benefit of AVIVV over the past 18 months. We can only conclude that you have been directing all of your time and efforts to benefit RADIX and the other companies that you have established.

Despite no new work for AVIVV in the past eighteen (18) months, the Company continues to generate revenue through a subcontract relationship with JPOW for services to SDG&E. After completion of audit activities, on May 25, 2023, JPOW advised AVIVV's Members that: " AVIVV is currently operating with enough excess cash for a \$700,000 distribution total (\$357,000 to Beal [51%] and \$343,000 to JPOW [49%])" and a request was made to the Members for a vote to approve the distribution. Two weeks later, you sent a response which includes directives inconsistent with the Company's Operating Agreement.

Specifically, you directed that the entire distribution of \$700,000 be sent to you in contradiction to the terms of the Company Operating Agreement and the Members' respective interests. The Operating Agreement could not be clearer in that all profits and losses are distributed in accordance with percentage of ownership which is 51% to Beal and 49% to JPOW. This dispute has been referred to Arbitration in accordance with the terms of the Operating Agreement. Thus, until there is a decision by the Arbitrator or a resolution through mediation, no profits should be disbursed from the Company. Your recent demand to AVIVV accounting for the issuance of a \$25,000 check to one of your companies that is not currently under contract with AVIVV will not be processed.

As you well know, JPOW has been completely transparent with the Company's records

and financial information, and you have had access to the Company records. Monthly, quarterly and yearly financial reports have been consistently provided to you as they are prepared and available for circulation to the Members, including audited financial statements for 2021. The financial documents provided to you each month contain Detailed Balance Sheets, Income Statements, Cash Flow Statements, Trial Balances, Accounts Receivable Reports and Job Cost Reports. In 2022, at your request, the financial records were provided to your accountant and after that submission JPOW never heard back from your accountant with any further inquiries or requests for clarification. In February 2023, your lawyer requested the financial records, and they were provided within a day of receiving the request. Your lawyer never acknowledged receipt and did not follow-up with any further inquiries or requests for clarification. Three months later JPOW received a follow-up letter from your lawyer demanding financial records. That letter was sent to you for an explanation as JPOW had already provided the financial records to your lawyer. You never responded or clarified why we were getting a duplicative request.

Notwithstanding that you have been provided with all of the above financial records related to AVIVV, per your recent requests, JPOW is gathering bank statements and general ledgers and will forward copies once compiled. Since the ledger and bank statement information is already contained in the financial records that you have received, this effort is duplicative. Nevertheless, the additional documents will be forwarded and the Company accountants or JPOW's accounting staff will be available to answer any questions.

Your unsubstantiated and outlandish allegations of bullying, retaliation, fraud, discrimination, sexual harassment, victimization, harassment, threats, coercion and debt bondage are untrue and categorically denied. We have kept every e-mail and text communication between you and JPOW officers and they are consistently full of gratitude for JPOW's efforts in assisting you and helping develop AVIVV. We have also checked with AVIVV's HR department, and it has never received any complaints from you regarding the egregious and false allegations that you are now advancing. To the contrary, the personal text you sent me on February 7, 2023 is more indicative of the true state of affairs. It is apparent that your recent false and egregious allegations are being advanced as a misguided negotiating tool. In case you have forgotten, here is what you texted me on February 7, 2023:

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continued issuance of self-serving e-mails that contain bizarre and false allegations are certainly not facilitating that process.

Brian Gibson
President, JPOW and AVIVV

From: Beal, Erica <eb@avivv.com>
Sent: Tuesday, June 27, 2023 3:14 PM
To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: Jaime Chapman <jchapman@milspousechamber.org>; mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbec-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany <brabe@jingoli.com>
Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner - Compliance/Violations/Laws
Importance: High

Dear Representatives of Jingoli Power,

Your attorney, Mr. Zoller, stated in a telephonic conference with my lawyer that Jingoli Power, LLC (JPOW) will not be authorized to send the money owed to Erica Beal. He also stated that I should prepare a service agreement if I want to get paid. Both these requests are **not** required by law or the operating agreement since I am 51% CEO and majority owner of AVIVV, LLC. At this time, by failing to provide me with financial control over my company, you are exposing me and the organization to potentially be in violation of the law. Mr. Zoller indicated that you would like to evade your liability and exposure to being responsible for paying me damages for your fraud and deceitful conduct by dissolving AVIVV, LLC. That is out of the question until the financial issues are resolved.

You continue to bully and retaliate against me when I make the modest request that you acknowledge my authority and responsibilities as CEO and 51% majority shareholder. Karl Miller stated to a fellow AVIVV employee and me personally: "We are billionaires, and you can never fight us. If you don't do what we ask, then we will sue the shit out of you and take you down and your family as well." He confirms your business practices of retaliation and discrimination. As Members, you continue to violate the Operating Agreement and ignore my role as the CEO. This continued discrimination against me as a woman, minority, and military spouse is unlawful.

Rather than amicably collaborating with your recent financial AVIVV discovery of \$700k, JPOW demands a share of the distribution when I have not been compensated in over six months. Since AVIVV's inception, my CPA, attorney, and I – have requested access to the accounting and bank accounts you continue to refuse to provide, violating the

operating agreement.

In less than a week after you “discovered” the excess \$700k, I received an email from Mike Jingoli’s admin with another legal threat and a claim against me personally with AAA. These threats and false accusations are efforts to tarnish my reputation, my exhaust personal funds, bully and intimidate me. For the record:

- I have not been paid a salary as CEO of AVIVV from February to July of 2023.
- I have not received any AVIVV LLC preliminary financials to review for (Feb. – June 2023), for which JPOW states that they want to manage back office and financial preparation.
- I have requested access to the Accounting and Bank Accounts per Article X in the Operating Agreement, and Jingoli Power LLC continues not to provide – violating the diversity certification, AVIVV operating agreement, and me personally as a woman and minority CEO.
- I received AVIVV December 2022 preliminary financials in May of 2023, encapsulating information in the form of conclusory financial reports generated by your accountants you hire.
- I have been forced to hire legal representation to protect myself from further discrimination, victimization, harassment, threats, bullying, prostitution, coercion, and financial duress (to name some).

Under New Jersey law pursuant to Title 42 Chapter 2C Article 4; California General Order 156; AVIVV LLC Operating Agreement, Women's Business Enterprise Council West, National Minority Supplier Development Council certification, Military Spouse Certification Chamber of Commerce Certification: **I, Erica Beal, 51% CEO and Managing Partner is entitled to, and you must provide me with the accounting and bank account which includes general ledger and direct accounting statements from the banking institution itself.** You continue to violate these mandates and then punish me.

I expect payment in the amount of \$25k on July 1, 2023, after having temporarily decreased the monthly payment from \$45k to \$25k because you have financially sabotaged and hurt AVIVV and me personally (which I have documentation to support these allegations). You have terminated valuable employees without my consent, and transferred them to your organization, further diluting the viability and strength of AVIVV, LLC.

I feel like you have treated me like a prostitute, and you are using me as a shield to mask that you are all white, middle-aged males, using me to sell your company as a diverse business to clients. As proof of this fact, Karl Miller shared in a meeting with a fortune 500, publicly traded engineer firm, “What do you need for a diverse business – a Mexican, a Black, a Woman-owned diverse business? We got it all.” He publicly admitted what I will prove in court or at an arbitration hearing, that your company abuses diversity laws.

Jingoli Power has refused to honor the operating agreement, which gives me control over AVIVV LLC, and disgraced the spirit of CA General Order 156, the supplier diversity program. In addition, you have committed collusion by organizing numerous diverse businesses, demanding the same services offered as AVIVV, LLC, and then inserting control over the back office and financials by owning 49% (to name a few examples).

I requested AVIVV LLC checks multiple times but have not received them. You need to send the AVIVV LLC checks. I am requesting AVIVV LLC checks again. Jingoli Power's actions of discrimination, coercion and fraudulent practices have jeopardized diverse certification for AVIVV, LLC and me.

As CEO of AVIVV LLC, I signed an affidavit with the CPUC Clearinghouse that swears I am in control and 51% decision-making majority woman/minority owner. You must stop this retaliation and discrimination against me personally; in addition, you are forcing violations of the law.

In conclusion, please attend to and complete the following immediately:

- Disperse the monthly checks to Elysium Connections for \$25k starting July 1, 2023.
- Send AVIVV LLC Checks immediately to Erica Beal
- Send a check of \$357k to Erica Beal immediately (I must pay for AVIVV LLC 2021 outstanding tax liabilities that have been compounding daily because of Jingoli Power LLC delayed preparation, mismanagement in accounting and finances and personal hatred towards me as a woman and minority.
- Provide full access to AVIVV LLC Accounting and Bank Accounts (not limited to general ledgers, monthly banking institutions)
- All money transactions and contracts must be reviewed and approved by the CEO of AVIVV LLC, Erica Beal

Per California Public Utilities Commission Supplier Clearinghouse Participation and Agreement and Affidavit, "Any person or corporation, through its directors, officers or agents, which falsely represents a business as a women, minority, disabled veteran, or LGBT business enterprise in the procurement of, or attempt to procure, contracts from an electrical, gas, water or telephone corporation...shall be punished by a fine of not more than five thousand dollars, by imprisonment in a county jail for not more than one year or in the state prison, or by both that fine and imprisonment. In the case of corporation, the fine or imprisonment or both, shall be imposed on every director, officer, or agent responsible for the false statements."

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com
P: 619.569.7233 |

EXHIBIT “E”



Eckert Seamans Cherin & Mellott, LLC
Princeton Pike Corporate Center
2000 Lenox Drive, Suite 203
Lawrenceville, NJ 08648

TEL 609 392 2100
FAX 609 392 7956
www.eckertseamans.com

Mailing Address:
P.O. Box 5404
Princeton, NJ 08543

File No.: 303400-00050

Robert P. Zoller, Esq.
Tel. No.: 609-989-5028
rzoller@eckertseamans.com

June 29, 2023

Via email (mbluemel@mcdougallawfirm.com) and Regular Mail

Mark-Robert Bluemel, Esq.
McDougal Boehmer Foley Lyon Mitchell & Ericson
La Mesa Village Plaza
8100 La Mesa Boulevard
Suite 200
La Mesa, CA 91942

Re: AVIVV, LLC

Dear Mr. Bluemel:

This letter is a follow up to our telephone call on Monday, June 26th and in response to your letter of June 28th received last night.

Initially, as stated in Brian Gibson's email to Erica Beal yesterday, Michael Jingoli and I are willing to schedule a conference call with Ms. Beal and you to discuss the AVIVV matter. In order for that call to be productive, we believe it is best for you and your client to have reviewed AVIVV's financial information. While that information has been provided to your client on a regular basis over the course of the last several years, given your request for the information again, Jingoli is in the process of compiling the bank statements and general ledgers and I will forward them to you. Once received and reviewed, we can then schedule the conference call.

As you know, Ms. Beal has refused to agree to a \$700,000.00 distribution to AVIVV's members. As such, those funds remain in AVIVV's bank account. Jingoli will not agree to your request to escrow those funds. There is no requirement for an escrow under the Operating Agreement and Jingoli sees no need for the escrow.

Two other matters require your immediate attention. Recent emails sent by Ms. Beal to Brian Gibson were cc'd to third-party governmental officials. In those emails, Ms. Beal made scurrilous and defamatory comments about Karl Miller and other Jingoli executives. We hereby demand that she cease and desist from making further unsubstantiated and defamatory comments. Her failure to do so will have legal consequences.



Mark-Robert Bluemel, Esq.
June 29, 2023
Page 2

Furthermore, Ms. Beal's most recent email to Mr. Gibson contained the veiled threat of criminal charges against Jingoli executives. As you well know, under the Rules of Professional Conduct in both New Jersey and California, it is unethical for an attorney to participate in presenting or to threaten to present criminal charges to obtain advantage in a civil dispute. You, of course, were copied on Ms. Beal's email to Mr. Gibson and, while I am sure it was an oversight, I call to your attention your ethical obligations. Again, your client must immediately cease and desist from making these totally unsubstantiated and improper threats against Jingoli executives.

Finally, Eckert Seamans has not employed an attorney named John Rieger and, accordingly, your reference to a conflict of interest appears to be misplaced.

As stated above, after we have provided you with the AVIVV financial records that you have requested, I will call you to schedule a date and time for the conference call.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. P. Zoller", written over a light blue horizontal line.

ROBERT P. ZOLLER

cc: Brian Gibson

EXHIBIT “F”

From: Beal, Erica <eb@avivv.com>

Sent: Thursday, June 29, 2023 5:22 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>;

Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>;

Gibson, Brian <bgibson@jingolipower.com>

Cc: Jaime Chapman <jchapman@milspousechamber.org>; Mark-Robert Bluemel

<mbluemel@mcdougallawfirm.com>; Jaymee Lomax <jaymee@wbcc-west.org>;

stephainie.green@cpuc.ca.gov <stephainie.green@cpuc.ca.gov>; Cecil Plummer

<cecil@wrmsdc.org>

Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner -
Compliance/Violations/Laws

Women, minority and military-spouse-owned businesses, and people like me have been exploited and continue to be taken advantage of. At this point, we have only scratched the surface regarding violations. Supporting evidence will be provided during arbitration or court.

Please consult with legal counsel before feeling compelled to respond; there is a conflict of interest at the moment. I am very concerned that you acquired Eckert Seamans. Jingoli Power LLC inserted AVIVV, LLC to utilize Eckert Seamans services in 2021 and 2022. This appears to be another breach and conflict of interest. I will exhaust my options to address this violation of my rights.

Contrary to your email, your record is not complete nor correct.

Please see attached letter.

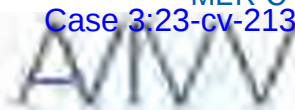
Thank you for your prompt attention to this matter.

Erica Beal, CEO | [AVIVV](https://avivv.com) | Eb@avivv.com

P: 619.569.7233 |

From: Gibson, Brian <bgibson@jingolipower.com>

Sent: Wednesday, June 28, 2023 12:52 PM



6/29/2023

Dear AVIVV Members,

As the majority shareholder, owner of a 51% share of AVIVV LLC, CEO and Managing Partner; and pursuant to California General Order 158, the AVIVV LLC Operating Agreement, Women's Business Enterprise Council West, National Minority Supplier Development Council certification, and Military Spouse Chamber of Commerce Certification, I am directing that you must immediately:

- Disperse monthly checks to Elysium Connections, Inc. in the amount of \$25,000 starting July 1, 2023, and on the first day of every month thereafter, providing tracking documentation. (Per email request June 27, 2023)
- Send all general ledgers, monthly banking financials directly from the institution itself, online banking access, which includes real-time visibility and the contact for the banking institution to organize a meeting immediately. (Per compliance with the AVIVV, LLC Operating Agreement, Article X)
- I am ordering a forensic audit for AVIVV, LLC, after receiving all the accounting and bank accounts, financials, contracts and documentation from you but not limited to the actual general ledgers from the institution itself.
- Send blank AVIVV, LLC checks immediately with the shipping company's tracking number. (Per numerous telephone requests dated back to 2021, 2022 and 2023 and email request on June 9, 2023)
- I request that AVIVV LLC generate AVIVV LLC employee checks by June 30, 2023. It is improper for the checks of AVIVV LLC employees to originate from Jingoli Power LLC (JPOW) or its affiliates. Please provide status updates. (Per email request on June 9, 2023)

Thank you for your prompt attention to this matter.

Sincerely,

Erica Beal

Erica Beal,
CEO AVIVV, LLC
619.569.7233

U.S. California Public Utilities Commission Clearinghouse
Women's Business Enterprise Council West
National Minority Supplier Development Council
Military Spouse Chamber of Commerce



To: Beal, Erica <eb@avivv.com>

Cc: Jaime Chapman <jchapman@milsponsechamber.org>;
mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbcc-west.org>;
stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany
<brabe@jingoli.com>; Robert P. Zoller <RZoller@eckertseamans.com>; Jingoli, Michael
<mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Schuda, Phil
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Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner -
Compliance/Violations/Laws

Erica,

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make a proposal, you never responded to the proposal. A copy of the October 7, 2022, proposal is attached as Exhibit B. Since the submission of that proposal until today, it is unclear to JPOW what, if any activities, you have been performing on behalf of AVIVV. There has been little or no recent effort at business development for the benefit of the Company.

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Brian Gibson
President, JPOW and AVIVV

From: Beal, Erica <eb@avivv.com>

Sent: Tuesday, June 27, 2023 3:14 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: Jaime Chapman <jchapman@milspousechamber.org>; mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbcc-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany <brabe@jingoli.com>

Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner - Compliance/Violations/Laws

Importance: High

Dear Representatives of Jingoli Power,

Your attorney, Mr. Zoller, stated in a telephonic conference with my lawyer that Jingoli Power, LLC (JPOW) will not be authorized to send the money owed to Erica Beal. He also stated that I should prepare a service agreement if I want to get paid. Both these requests are **not** required by law or the operating agreement since I am 51% CEO and majority owner of AVIVV, LLC. At this time, by failing to provide me with financial control over my company, you are exposing me and the organization to potentially be in violation of the law. Mr. Zoller indicated that you would like to evade your liability and exposure to being responsible for paying me damages for your fraud and deceitful conduct by dissolving AVIVV, LLC. That is out of the question until the financial issues are resolved.

You continue to bully and retaliate against me when I make the modest request that you acknowledge my authority and responsibilities as CEO and 51% majority shareholder. Karl Miller stated to a fellow AVIVV employee and me personally: "We are billionaires, and you can never fight us. If you don't do what we ask, then we will sue the shit out of you and take you down and your family as well." He confirms your business practices of retaliation and discrimination. As Members, you continue to violate the Operating Agreement and ignore my role as the CEO. This continued discrimination against me as a woman, minority, and military spouse is unlawful.

Rather than amicably collaborating with your recent financial AVIVV discovery of \$700k, JPOW demands a share of the distribution when I have not been compensated in over six months. Since AVIVV's inception, my CPA, attorney, and I – have requested access to the accounting and bank accounts you continue to refuse to provide, violating the operating agreement.

In less than a week after you "discovered" the excess \$700k, I received an email from Mike Jingoli's admin with another legal threat and a claim against me personally with AAA. These threats and false accusations are efforts to tarnish my reputation, my exhaust personal funds, bully and intimidate me. For the record:

- I have not been paid a salary as CEO of AVIVV from February to July of 2023.

I have not received any AVIVV LLC preliminary financials to review for (Feb. – June 2023), for which JPOW states that they want to manage back office and financial preparation.

- I have requested access to the Accounting and Bank Accounts per Article X in the Operating Agreement, and Jingoli Power LLC continues not to provide – violating the diversity certification, AVIVV operating agreement, and me personally as a woman and minority CEO.
- I received AVIVV December 2022 preliminary financials in May of 2023, encapsulating information in the form of conclusory financial reports generated by your accountants you hire.
- I have been forced to hire legal representation to protect myself from further discrimination, victimization, harassment, threats, bullying, prostitution, coercion, and financial duress (to name some).

Under New Jersey law pursuant to Title 42 Chapter 2C Article 4; California General Order 156; AVIVV LLC Operating Agreement, Women's Business Enterprise Council West, National Minority Supplier Development Council certification, Military Spouse Certification Chamber of Commerce Certification: **I, Erica Beal, 51% CEO and Managing Partner is entitled to, and you must provide me with the accounting and bank account which includes general ledger and direct accounting statements from the banking institution itself.** You continue to violate these mandates and then punish me.

I expect payment in the amount of \$25k on July 1, 2023, after having temporarily decreased the monthly payment from \$45k to \$25k because you have financially sabotaged and hurt AVIVV and me personally (which I have documentation to support these allegations). You have terminated valuable employees without my consent, and transferred them to your organization, further diluting the viability and strength of AVIVV, LLC.

I feel like you have treated me like a prostitute, and you are using me as a shield to mask that you are all white, middle-aged males, using me to sell your company as a diverse business to clients. As proof of this fact, Karl Miller shared in a meeting with a fortune 500, publicly traded engineer firm, "What do you need for a diverse business – a Mexican, a Black, a Woman-owned diverse business? We got it all." He publicly admitted what I will prove in court or at an arbitration hearing, that your company abuses diversity laws.

Jingoli Power has refused to honor the operating agreement, which gives me control over AVIVV LLC, and disgraced the spirit of CA General Order 156, the supplier diversity program. In addition, you have committed collusion by organizing numerous diverse businesses, demanding the same services offered as AVIVV, LLC, and then inserting control over the back office and financials by owning 49% (to name a few examples).

I requested AVIVV LLC checks multiple times but have not received them. You need to send the AVIVV LLC checks. I am requesting AVIVV LLC checks again. Jingoli Power's

actions of discrimination, coercion and fraudulent practices have jeopardized diverse certification for AVIVV, LLC and me.

As CEO of AVIVV LLC, I signed an affidavit with the CPUC Clearinghouse that swears I am in control and 51% decision-making majority woman/minority owner. You must stop this retaliation and discrimination against me personally; in addition, you are forcing violations of the law.

In conclusion, please attend to and complete the following immediately:

- Disperse the monthly checks to Elysium Connections for \$25k starting July 1, 2023.
- Send AVIVV LLC Checks immediately to Erica Beal
- Send a check of \$357k to Erica Beal immediately (I must pay for AVIVV LLC 2021 outstanding tax liabilities that have been compounding daily because of Jingoli Power LLC delayed preparation, mismanagement in accounting and finances and personal hatred towards me as a woman and minority.
- Provide full access to AVIVV LLC Accounting and Bank Accounts (not limited to general ledgers, monthly banking institutions)
- All money transactions and contracts must be reviewed and approved by the CEO of AVIVV LLC, Erica Beal

Per California Public Utilities Commission Supplier Clearinghouse Participation and Agreement and Affidavit, "Any person or corporation, through its directors, officers or agents, which falsely represents a business as a women, minority, disabled veteran, or LGBT business enterprise in the procurement of, or attempt to procure, contracts from an electrical, gas, water or telephone corporation...shall be punished by a fine of not more than five thousand dollars, by imprisonment in a county jail for not more than one year or in the state prison, or by both that fine and imprisonment. In the case of corporation, the fine or imprisonment or both, shall be imposed on every director, officer, or agent responsible for the false statements."

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com
P: 619.569.7233 |

From: Beal, Erica <eb@avivv.com>

Sent: Friday, June 23, 2023 12:24 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>;

Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil

<pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbcc-west.org>;

stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany
<brabe@jingoli.com>

Subject: AVIVV LLC CEO/51% woman/minority/military spouse owner requesting AVIVV checks and money to pay 2021 IRS

Dear Members:

As the CEO, I must run this Company in the best way possible, and I need intelligent access to the financial information for AVIVV, LLC.

I have sent three certified letters (attached) requesting the required financial information to manage and operate AVIVV, LLC. Jingoli Power, LLC has responded with condensed financial information generated by your accountants whom you hire. As the CEO, 51% majority owner, how can I control and operate AVIVV, LLC in the best interest without knowing the exact financials, general ledgers, and online bank statements?

I owe AVIVV tax liabilities from 2021 that are compounding daily. I am greatly concerned that I cannot access AVIVV's general ledger, real-time accounting, online statements, and checks.

In the past, I have addressed my concerns and fears for my family and myself for our safety. As officers, you have also failed to respond to this vital concern. Based on the past abuse and threats made to me directly in real conversations with your executives, I fear you will harm me. I am suffering from emotional distress and experiencing PTSD.

Therefore, I am making this final plea to you to comply with the law regarding financial disclosure and respect my concerns over personal safety.

I am the 51% majority shareholder of AVIVV LLC, and the Operating Agreement provides me full access to financial information and the authority to make all decisions regarding the company. Per California GO 156:

<https://www.cpus.ca.gov/supplierdiversity/> (1.3, 1.3.1, 1.3.2, 1.3.3, [1.3.1.1](#), [1.3.1.2](#))

In the event you refuse to provide me with the full sum of \$700k, then you must provide me with a minimum of 51% for \$357,000.00, which you already stated I am owed.

At this time, I am not approving the remaining balance of \$343,000.00 to Jingoli Power, LLC.

But since you have filed a claim with AAA against me, I am entitled to 51% of \$700k for \$357,000.00, which needs to be paid immediately (Provide a certified mail return receipt and tracking number no later than COB June 26, 2023.)

Attn: Erica Beal

6347 Park Ridge Blvd.

San Diego, CA 92120

All of your attempts at accusing me of violating the operating agreement are pretextual. You are trying to intimidate and bully me with false accusations and untrue facts.

I have a fiduciary responsibility for conducting business in AVIVV's best interest and I have fulfilled all my obligations of CEO of AVIVV, LLC, despite your actions meant to sabotage and hurt me. Since AVIVV's inception, you coerced me to incorporate in New Jersey, knowing I was a California resident.

I have requested AVIVV LLC checks for three years. I am requesting again in email: Mail me AVIVV LLC checks (minimum quantity of 100). Provide a certified mail return receipt and tracking number no later than COB June 26, 2023.

As CEO, I believe it is improper for the checks of AVIVV LLC employees to originate from Jingoli Power LLC (JPOW) or any of its affiliates. I request AVIVV LLC to generate AVIVV employee checks by June 30, 2023. There should be no more co-mingling of funds.

Send me the money owed to me immediately that I have already approved as the CEO and 51% majority owner.

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com
P: 619.569.7233 |

[<image021.png>](#)

From: Rabe, Bethany <brabe@jingoli.com>

Sent: Friday, June 16, 2023 2:55 PM

To: Beal, Erica <eb@avivv.com>; Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: mbluemel@mcdougallawfirm.com

Subject: RE: AVIVV Recommended Distribution - Confidential & Proprietary - Intended for AVIVV Members

Erica,

As a following-up to your June 9, 2023 email to the Members of AVIVV below, JPOW's counsel has provided the attached documents to your counsel today. We would

suggest that all further communications regarding these matters be handled by the Members' respective counsel.

Bethany Rabe | Executive Assistant to Michael Jingoli

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2201 C: 609.902.6262 E-mail: brabe@jingoli.com

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From: Beal, Erica <eb@avivv.com>

Sent: Friday, June 9, 2023 6:44 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: Mark-Robert Bluemel <mbluemel@mcdougallawfirm.com>

Subject: RE: AVIVV Recommended Distribution - Confidential & Proprietary - Intended for AVIVV Members

Dear Members of AVIVV, LLC:

- I am sorry, but I do not agree to request a vote.
- I do object and vote "no."

Part 1:

As 51% owner, CEO, and managing partner of AVIVV LLC, I authorize the \$700,000.00 to be disbursed to Erica Beal. The \$700,000.00 is a start; since, respectfully, I am owed far more, it can offset my total sum.

Please send a \$700,000.00 certified check with tracking number no later than COB June 12, 2023, from AVIVV LLC to:

Attn: Erica Beal
6347 Park Ridge Blvd.
San Diego, CA 92120

Part 2:

Under California and New Jersey law regulations and diversity certification, it is improper for the checks of AVIVV LLC employees to originate from Jingoli Power LLC (JPOW) or any of its affiliates. It appears JPOW and some AVIVV LLC members continue to jeopardize AVIVV LLC certified diversity status. Please ensure AVIVV LLC generates AVIVV employee checks. There should be no more co-mingling of funds.

Part 3:

I do not understand the financials JPOW or its affiliates back office in-house accounting prepares. I am very concerned regarding the five-month delay in preparing preliminary monthly statements.

- I received 2022 December preliminary financials on May 19, 2023, and I am still awaiting preliminary financials for January, February, March, April, and May 2023. The ongoing pattern of delays and lack of access to the real-time financials from JPOW and its affiliates has caused AVIVV LLC and me personally to incur tax penalties compounding daily. *Email justification attached.*
- I received 2021 AVIVV LLC audited financial statements on February 22, 2023 (2 years later). *Email justification attached.*

Part 4:

I have a fiduciary responsibility for conducting business in AVIVV's best interest, and I am requesting the following, but not limited to:

- Contracts/records
- Cash
- Real-time accounting
- General ledger(s)
- Access to online bank accounts
- Please send AVIVV LLC checks (minimum quantity of 100) certified check with tracking numbers no later than COB June 12, 2023

Send to:

ATTN: Erica Beal

5173 Waring Rd. Ste. 87

San Diego, CA 92120

I have been forced to retain legal counsel to protect myself from further victimization, harassment, threats, isolation, coercion, and debt bondage (to name a few).

I do not want this to escalate further.

I want to work amicably and ensure we comply with and do not compromise our diversity certifications, compliance, and laws/regulations.

I am the 51% majority shareholder of AVIVV LLC, and the Operating Agreement provides me with full access to the financial information and the authority to make all decisions regarding the company. You have only provided encapsulated information and consistently undermined my efforts. Regardless, I have honored the partnership and performed my duties as the CEO of AVIVV LLC. I continue to develop and cultivate lucrative financial opportunities and contracts with new clients.

<https://www.cpuc.ca.gov/supplierdiversity/>

https://docs.cpuc.ca.gov/Published/General_order/59939.htm

"1.3. Definitions

1.3.1. "Commission" means The California Public Utilities Commission as provided for in Article MI of the California Constitution.

1.3.2. "Women-owned business" means (1) a business enterprise (a) that is at least 51% owned by a woman or women or (b) if a publicly owned business, at least 51% of the stock of which is owned by one or more women; and (2) whose management and daily business operations are controlled by one or more of those individuals.

1.3.3. "Minority-owned business" means (1) a business enterprise (a) that is at least 51% owned by a minority individual or group(s) or (b) if a publicly owned business, at least 51 % of the stock of which is owned by one or more minority groups, and (2) whose management and daily business operations are controlled by one or more of those individuals. The contracting utility shall presume that minority includes, but is not limited to, Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other groups, as defined herein.

1.3.11. "Control" means exercising the power to make policy decisions.

1.3.12. "Operate" means being actively involved in the day-to-day management and not merely acting as officers or directors."

I feel JPOW and some AVIVV LLC members have created a dangerous environment where I am living in fear for my safety and life, and you have incorporated my family's well-being. As a woman, minority, and military spouse, I am scared due to his malicious actions, specifically with Karl Miller. I am pleading not to receive any further retaliation from JPOW and its affiliates for my request to fulfill my role as CEO of AVIVV LLC.

Thank you for your prompt attention to this matter.

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com

P: 619.569.7233 |

[<image018.png>](#)

[<image019.png>](#)

[<image021.png>](#)

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From: Rabe, Bethany <brabe@jingoli.com> **On Behalf Of** Jingoli, Michael

Sent: Wednesday, May 31, 2023 9:58 AM

To: Beal, Erica <eb@avivv.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Michael <mjingoli@jingoli.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: Rabe, Bethany <brabe@jingoli.com>

Subject: RE: AVIVV Recommended Distribution

Erica,

Please cast your vote as YES or NO.

Michael D. Jingoli | CFO

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2200 C: 609.213.6640 E-mail: mjingoli@jingoli.com

<image025.jpg>

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From: Miller, Karl <kmiller@jingolipower.com>

Sent: Friday, May 26, 2023 9:12 AM

To: Gibson, Brian <bgibson@jingolipower.com>

Cc: Jingoli, Michael <mjingoli@jingoli.com>; Beal, Erica <eb@avivv.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>; Rabe, Bethany <brabe@jingoli.com>

Subject: Re: AVIVV Recommended Distribution

Yes

Karl Miller

847.910.8882

kmiller@jingolipower.com

On May 25, 2023, at 8:05 AM, Gibson, Brian
<bgibson@jingolipower.com> wrote:

YES

From: Rabe, Bethany <brabe@jingoli.com> **On Behalf Of** Jingoli, Michael

Sent: Thursday, May 25, 2023 9:32 AM

To: Beal, Erica <eb@avivv.com>; Miller, Karl <kmiller@jingolipower.com>;

Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil
<pschuda@jingolipower.com>; Jingoli, Michael <mjingoli@jingoli.com>;
Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: Rabe, Bethany <brabe@jingoli.com>
Subject: AVIVV Recommended Distribution

To the Members of AVIVV:

AVIVV is currently operating with enough excess cash for a \$700,000
distribution total (\$357,000 to Beal [51%] and \$343,000 to JPOW [49%]).

Please reply to this email as YES if you are in agreement with the above
distribution or NO if you are not.

If approved, we can make the distribution this week or next and it can be
utilized for tax liabilities, tuition, or any other Member intended purpose.

Thank you.

Michael D. Jingoli | CFO

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2200 C: 609.213.6640 E-mail: mjingoli@jingoli.com

<image001.jpg>

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in error, please notify us immediately by telephone or reply e-mail message and delete the e-mail
message from your computer. Thank you.

EXHIBIT “G”

From: Gibson, Brian <bgibson@jingolipower.com>

Sent: Friday, June 30, 2023 6:45 AM

To: Beal, Erica <eb@avivv.com>; Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: Jaime Chapman <jchapman@milspousechamber.org>; Mark-Robert Bluemel <mbluemel@mcdougallawfirm.com>; Jaymee Lomax <jaymee@wbcc-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Robert P. Zoller <RZoller@eckertseamans.com>

Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner - Compliance/Violations/Laws

Erica,

We have received scores of written communications from you expressing your gratitude for the support and mentoring JPOW officers have provided to you in establishing AVIVV and developing the business. All these communications will be shared during Arbitration. In fact, the partnership was going well until in 2022 you breached your fiduciary responsibilities by forming competing companies, using AVIVV resources to do so and then denying it. Nevertheless, you continued to draw \$45,000 a month out of the Company, despite doing little or no work for the company and certainly no business development, as those efforts were focused on your other entities. JPOW even acquiesced to keeping your mother on the payroll for business development services in Texas where she lives at an annual salary of \$70,000 plus benefits and a new car, despite she was not providing any meaningful services to the Company. Although she never created any business development opportunities during the thirteen months of her employment, all her costs were paid while she worked for AVIVV.

Your allegations of exploitation couldn't be further from the truth.

The limited trademark work performed by Eckert Seamans for both JPOW and AVIVV was completed in the Fall of 2022 and there is no conflict with the Firm representing JPOW at this juncture. If you dispute this, please add that to the issues to be addressed by the Arbitrator. As you know, under the terms of the Company's Operating Agreement, all disputes are to be submitted to Arbitration.

Responding to the points raised in your attached letter:

- As previously advised, we will not be dispersing \$25,000 to a company that AVIVV does not have a contractual relationship with. Moreover, your lawyer directed in a communication yesterday that the \$700,000 of profits should be placed in escrow. While there is no requirement under the Operating Agreement to place funds in Escrow, those funds will be preserved until the Arbitrator directs how those funds should be distributed. Issuing a check to you or one of your affiliated entities would be contrary to the directions of your own lawyer.

- As stated yesterday, the general ledgers, banks statements and 2023 Q1 Preliminary Financial Statements are being gathered and will be sent to your counsel later today. Although duplicative of what has already been provided, we have undertaken to provide the general ledgers and bank statements.

- Regarding audits, the 2021 financials were audited and JPOW would like 2022 financials to also be audited. In April 2023 a written request was sent to you by JPOW's Director of Tax requesting you to authorize the audit of the 2022 financials . Repeated written requests have been sent to you over the past several months for approval and no response was ever received. If you will not consent to an audit of the 2022 financials, JPOW will submit this dispute to the Arbitrator.

- We would also request that you share a copy of your Consulting Agreement between your affiliated entity and JPOW for the period of 2019 through 2021. Please confirm that the work you were pursuing under that Consulting Agreement was for the benefit of JPOW. As you know, these consulting fees (\$20,000 a month) were not paid by AVIVV. JPOW paid these fees as you were contracted to consult for the sole benefit of JPOW, not AVIVV or your other entities.

- Regarding a forensic audit, JPOW would welcome such an audit. If any fraud or misappropriation of funds are discovered, JPOW will pay for that audit. On the other hand, if no fraud or misappropriation of funds is discovered, you should pay for the audit. The Audit will also include the timeframes when you directed AVIVV employees to bill their time to AVIVV while setting up and marketing your new corporate entities.

As you know, JPOW is the Prime Contractor on the FCA Contract and AVIVV serves as a Subcontractor. The business development trips and conferences that you pursued on behalf of your other corporate entities but were billed to AVIVV will also have to be addressed in the audit. Please recommend a forensic auditor to undertake the task. We will meet with the auditor in advance to identify the timeframes and activities where JPOW believes AVIVV was paying for time and expenses for your other companies.

- Your recent repeated requests for blank checks are perplexing. As you know, the Company has accounting staff and protocols in place for handling accounts payable. Any legitimate business invoices or expenses should be submitted through the established procedure. This has served the Company well for the past three years and should not be changed. If you want blank checks in order to issue \$25,000 monthly payments to a company that has no contract with AVIVV or to issue yourself a

\$700,000 check, this would be in direct violation of the Company Operating Agreement and inconsistent with the directive from your own lawyer to preserve those funds until an Arbitrator directs how to distribute.

- Regarding payroll and the employees, please feel free to establish a new payroll company and benefit plans for AVIVV. Once you have those set up, please confirm and we can transfer the employees over. However, please understand that transferring FCAs to one of your other companies is unacceptable. JPOW will not subcontract to any of your other companies. Also please keep in mind that through the current payroll arrangement, AVIVV is able to offer AVIVV employees benefits including health and vision coverage at no cost to the employees, something that has been effectively marketed to customers and employee candidates. If you are considering taking all of this on, please submit your plan so we can concur on best steps to ensure a smooth transition.

Brian Gibson
President JPOW and AVIVV

From: Beal, Erica <eb@avivv.com>

Sent: Thursday, June 29, 2023 5:22 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>; Gibson, Brian <bgibson@jingolipower.com>

Cc: Jaime Chapman <jchapman@milspousechamber.org>; Mark-Robert Bluemel <mbluemel@mcdougallawfirm.com>; Jaymee Lomax <jaymee@wbcc-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>

Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner - Compliance/Violations/Laws

Women, minority and military-spouse-owned businesses, and people like me have been exploited and continue to be taken advantage of. At this point, we have only scratched the surface regarding violations. Supporting evidence will be provided during arbitration or court.

Please consult with legal counsel before feeling compelled to respond; there is a conflict of interest at the moment. I am very concerned that you acquired Eckert Seamans. Jingoli Power LLC inserted AVIVV, LLC to utilize Eckert Seamans services in 2021 and 2022. This appears to be another breach and conflict of interest. I will exhaust my options to address this violation of my rights.

Contrary to your email, your record is not complete nor correct.

Please see attached letter.

Thank you for your prompt attention to this matter.

Erica Beal, CEO | [AVIVV](https://avivv.com) | Eb@avivv.com
P: 619.569.7233 |

From: Gibson, Brian <bgibson@jingolipower.com>
Sent: Wednesday, June 28, 2023 12:52 PM
To: Beal, Erica <eb@avivv.com>
Cc: Jaime Chapman <jchapman@milspousechamber.org>;
mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbec-west.org>;
stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany
<brabe@jingoli.com>; Robert P. Zoller <RZoller@eckertseamans.com>; Jingoli, Michael
<mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Schuda, Phil
<pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>
Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner -
Compliance/Violations/Laws

Erica,

JPOW's attorney was planning to follow-up with your attorney after their call on Monday to chart a course forward to try to resolve any outstanding issues through a meeting between counsel and you and Michael Jingoli and, if that approach was unsuccessful, the parties can opt for mediation in advance of the Arbitration proceeding. As you continue to send self-serving e-mails with false, misleading and unsubstantiated allegations and have chosen to copy agency representatives, we feel compelled to respond to complete and correct the record.

As you know, when AVIVV was formed in 2019, JPOW funded the start-up of the Company and was tasked with all back-office functions, including payroll, employee benefits, accounting etc., among other responsibilities. You serve as the Company's CEO and were tasked with the day-to-day operations and business development. Initially, you provided services to JPOW through a Consulting Agreement arrangement spanning February 2019 through January 2022 and you were paid \$ 20,000 per month. However, in February 2022, you decided not to renew your Consulting Agreement and indicated your services would be provided as a Member of the Company via a Services Agreement by and between Elysium Connections, Inc., owned by you, and AVIVV. Under the Services Agreement you were paid \$45,000 a month, for 12 months totaling \$540,000. In January 2023, the 2022 Services Agreement was set to expire and a new Services Agreement was prepared and forwarded to you for execution. For some reason, you decided not to renew your Services Agreement with the Company. Without

monthly disbursements to the Members through Services Agreements, profits began to accumulate.

In 2022, JPOW learned of activities by you that were self-serving and not in the best interest of the Company. This involved formation and funding multiple new companies without notice to JPOW and contrary to the best interests of AVIVV. When confronted with this discovery, you denied knowledge and involvement, but JPOW subsequently learned through sworn testimony of a former employee that you funded these entities, were directly involved and authorized an AVIVV employee to conduct such activities on AVIVV company time. The specifics were outlined in a September 14, 2022 letter, a copy of which I have attached as Exhibit A. This prompted JPOW to submit a written proposal to you in October 2022 to dissolve the Company. While you solicited JPOW to make a proposal, you never responded to the proposal. A copy of the October 7, 2022, proposal is attached as Exhibit B. Since the submission of that proposal until today, it is unclear to JPOW what, if any activities, you have been performing on behalf of AVIVV. There has been little or no recent effort at business development for the benefit of the Company.

JPOW recently learned that you have formed yet another company (RADIX) without the knowledge of JPOW and which appears to be directly competing for the same types of projects and business that AVIVV was established to pursue. The promotional material you submitted to SCE in June on behalf of RADIX is attached hereto as Exhibit C. Surprisingly, the RADIX promotional material contains photos taken at a JPOW project site, without JPOW knowledge or permission. It is now clear why little or no real business development activities were conducted by you for the benefit of AVIVV over the past 18 months. We can only conclude that you have been directing all of your time and efforts to benefit RADIX and the other companies that you have established.

Despite no new work for AVIVV in the past eighteen (18) months, the Company continues to generate revenue through a subcontract relationship with JPOW for services to SDG&E. After completion of audit activities, on May 25, 2023, JPOW advised AVIVV's Members that: " AVIVV is currently operating with enough excess cash for a \$700,000 distribution total (\$357,000 to Beal [51%] and \$343,000 to JPOW [49%])" and a request was made to the Members for a vote to approve the distribution. Two weeks later, you sent a response which includes directives inconsistent with the Company's Operating Agreement.

Specifically, you directed that the entire distribution of \$700,000 be sent to you in contradiction to the terms of the Company Operating Agreement and the Members' respective interests. The Operating Agreement could not be clearer in that all profits and losses are distributed in accordance with percentage of ownership which is 51% to Beal and 49% to JPOW. This dispute has been referred to Arbitration in accordance with the terms of the Operating Agreement. Thus, until there is a decision by the Arbitrator or a resolution through mediation, no profits should be disbursed from the Company. Your recent demand to AVIVV accounting for the issuance of a \$25,000

check to one of your companies that is not currently under contract with AVIVV will not be processed.

As you well know, JPOW has been completely transparent with the Company's records and financial information, and you have had access to the Company records. Monthly, quarterly and yearly financial reports have been consistently provided to you as they are prepared and available for circulation to the Members, including audited financial statements for 2021. The financial documents provided to you each month contain Detailed Balance Sheets, Income Statements, Cash Flow Statements, Trial Balances, Accounts Receivable Reports and Job Cost Reports. In 2022, at your request, the financial records were provided to your accountant and after that submission JPOW never heard back from your accountant with any further inquiries or requests for clarification. In February 2023, your lawyer requested the financial records, and they were provided within a day of receiving the request. Your lawyer never acknowledged receipt and did not follow-up with any further inquiries or requests for clarification. Three months later JPOW received a follow-up letter from your lawyer demanding financial records. That letter was sent to you for an explanation as JPOW had already provided the financial records to your lawyer. You never responded or clarified why we were getting a duplicative request.

Notwithstanding that you have been provided with all of the above financial records related to AVIVV, per your recent requests, JPOW is gathering bank statements and general ledgers and will forward copies once compiled. Since the ledger and bank statement information is already contained in the financial records that you have received, this effort is duplicative. Nevertheless, the additional documents will be forwarded and the Company accountants or JPOW's accounting staff will be available to answer any questions.

Your unsubstantiated and outlandish allegations of bullying, retaliation, fraud, discrimination, sexual harassment, victimization, harassment, threats, coercion and debt bondage are untrue and categorically denied. We have kept every e-mail and text communication between you and JPOW officers and they are consistently full of gratitude for JPOW's efforts in assisting you and helping develop AVIVV. We have also checked with AVIVV's HR department, and it has never received any complaints from you regarding the egregious and false allegations that you are now advancing. To the contrary, the personal text you sent me on February 7, 2023 is more indicative of the true state of affairs. It is apparent that your recent false and egregious allegations are being advanced as a misguided negotiating tool. In case you have forgotten, here is what you texted me on February 7, 2023:

"I just want to say thank you for everything. You really taught me a lot and I am appreciative of the experience. I know we are working through the process to finalize everything and ensure a smooth transition."

All JPOW wants at this juncture is to amicably part ways, dissolve the Company, wind

up the Company's affairs, distribute profits and come to a mutually acceptable conclusion. We initiated that offer back in October 2022, but got no response from you. As a result, the matter has now been submitted to Arbitration. JPOW is also amenable to mediation which our counsel should be able to coordinate. However, your continued issuance of self-serving e-mails that contain bizarre and false allegations are certainly not facilitating that process.

Brian Gibson
President, JPOW and AVIVV

From: Beal, Erica <eb@avivv.com>
Sent: Tuesday, June 27, 2023 3:14 PM
To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: Jaime Chapman <jchapman@milsousechamber.org>; mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbcc-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany <brabe@jingoli.com>
Subject: RE: AVIVV LLC CEO/51% woman/minority/military spouse owner - Compliance/Violations/Laws
Importance: High

Dear Representatives of Jingoli Power,

Your attorney, Mr. Zoller, stated in a telephonic conference with my lawyer that Jingoli Power, LLC (JPOW) will not be authorized to send the money owed to Erica Beal. He also stated that I should prepare a service agreement if I want to get paid. Both these requests are **not** required by law or the operating agreement since I am 51% CEO and majority owner of AVIVV, LLC. At this time, by failing to provide me with financial control over my company, you are exposing me and the organization to potentially be in violation of the law. Mr. Zoller indicated that you would like to evade your liability and exposure to being responsible for paying me damages for your fraud and deceitful conduct by dissolving AVIVV, LLC. That is out of the question until the financial issues are resolved.

You continue to bully and retaliate against me when I make the modest request that you acknowledge my authority and responsibilities as CEO and 51% majority shareholder. Karl Miller stated to a fellow AVIVV employee and me personally: "We are billionaires, and you can never fight us. If you don't do what we ask, then we will sue the shit out of you and take you down and your family as well." He confirms your business practices of retaliation and discrimination. As Members, you continue to violate the Operating Agreement and ignore my role as the CEO. This continued discrimination against me as a woman, minority, and military spouse is unlawful.

Rather than amicably collaborating with your recent financial AVIVV discovery of \$700k, JPOW demands a share of the distribution when I have not been compensated in over six months. Since AVIVV's inception, my CPA, attorney, and I – have requested access to the accounting and bank accounts you continue to refuse to provide, violating the operating agreement.

In less than a week after you “discovered” the excess \$700k, I received an email from Mike Jingoli's admin with another legal threat and a claim against me personally with AAA. These threats and false accusations are efforts to tarnish my reputation, my exhaust personal funds, bully and intimidate me. For the record:

- I have not been paid a salary as CEO of AVIVV from February to July of 2023.
- I have not received any AVIVV LLC preliminary financials to review for (Feb. – June 2023), for which JPOW states that they want to manage back office and financial preparation.
- I have requested access to the Accounting and Bank Accounts per Article X in the Operating Agreement, and Jingoli Power LLC continues not to provide – violating the diversity certification, AVIVV operating agreement, and me personally as a woman and minority CEO.
- I received AVIVV December 2022 preliminary financials in May of 2023, encapsulating information in the form of conclusory financial reports generated by your accountants you hire.
- I have been forced to hire legal representation to protect myself from further discrimination, victimization, harassment, threats, bullying, prostitution, coercion, and financial duress (to name some).

Under New Jersey law pursuant to Title 42 Chapter 2C Article 4; California General Order 156; AVIVV LLC Operating Agreement, Women's Business Enterprise Council West, National Minority Supplier Development Council certification, Military Spouse Certification Chamber of Commerce Certification: **I, Erica Beal, 51% CEO and Managing Partner is entitled to, and you must provide me with the accounting and bank account which includes general ledger and direct accounting statements from the banking institution itself.** You continue to violate these mandates and then punish me.

I expect payment in the amount of \$25k on July 1, 2023, after having temporarily decreased the monthly payment from \$45k to \$25k because you have financially sabotaged and hurt AVIVV and me personally (which I have documentation to support these allegations). You have terminated valuable employees without my consent, and transferred them to your organization, further diluting the viability and strength of AVIVV, LLC.

I feel like you have treated me like a prostitute, and you are using me as a shield to mask that you are all white, middle-aged males, using me to sell your company as a diverse business to clients. As proof of this fact, Karl Miller shared in a meeting with a fortune 500, publicly traded engineer firm, “What do you need for a diverse business –

a Mexican, a Black, a Woman-owned diverse business? We got it all.” He publicly admitted what I will prove in court or at an arbitration hearing, that your company abuses diversity laws.

Jingoli Power has refused to honor the operating agreement, which gives me control over AVIVV LLC, and disgraced the spirit of CA General Order 156, the supplier diversity program. In addition, you have committed collusion by organizing numerous diverse businesses, demanding the same services offered as AVIVV, LLC, and then inserting control over the back office and financials by owning 49% (to name a few examples).

I requested AVIVV LLC checks multiple times but have not received them. You need to send the AVIVV LLC checks. I am requesting AVIVV LLC checks again. Jingoli Power’s actions of discrimination, coercion and fraudulent practices have jeopardized diverse certification for AVIVV, LLC and me.

As CEO of AVIVV LLC, I signed an affidavit with the CPUC Clearinghouse that swears I am in control and 51% decision-making majority woman/minority owner. You must stop this retaliation and discrimination against me personally; in addition, you are forcing violations of the law.

In conclusion, please attend to and complete the following immediately:

- Disperse the monthly checks to Elysium Connections for \$25k starting July 1, 2023.
- Send AVIVV LLC Checks immediately to Erica Beal
- Send a check of \$357k to Erica Beal immediately (I must pay for AVIVV LLC 2021 outstanding tax liabilities that have been compounding daily because of Jingoli Power LLC delayed preparation, mismanagement in accounting and finances and personal hatred towards me as a woman and minority.
- Provide full access to AVIVV LLC Accounting and Bank Accounts (not limited to general ledgers, monthly banking institutions)
- All money transactions and contracts must be reviewed and approved by the CEO of AVIVV LLC, Erica Beal

Per California Public Utilities Commission Supplier Clearinghouse Participation and Agreement and Affidavit, “Any person or corporation, through its directors, officers or agents, which falsely represents a business as a women, minority, disabled veteran, or LGBT business enterprise in the procurement of, or attempt to procure, contracts from an electrical, gas, water or telephone corporation...shall be punished by a fine of not more than five thousand dollars, by imprisonment in a county jail for not more than one year or in the state prison, or by both that fine and imprisonment. In the case of corporation, the fine or imprisonment or both, shall be imposed on every director, officer, or agent responsible for the false statements.”

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com
P: 619.569.7233 |

[<image021.png>](#)

From: Beal, Erica <eb@avivv.com>

Sent: Friday, June 23, 2023 12:24 PM

To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: mbluemel@mcdougallawfirm.com; Jaymee Lomax <jaymee@wbec-west.org>; stephainie.green@cpuc.ca.gov; Cecil Plummer <cecil@wrmsdc.org>; Rabe, Bethany <brabe@jingoli.com>

Subject: AVIVV LLC CEO/51% woman/minority/military spouse owner requesting AVIVV checks and money to pay 2021 IRS

Dear Members:

As the CEO, I must run this Company in the best way possible, and I need intelligent access to the financial information for AVIVV, LLC.

I have sent three certified letters (attached) requesting the required financial information to manage and operate AVIVV, LLC. Jingoli Power, LLC has responded with condensed financial information generated by your accountants whom you hire. As the CEO, 51% majority owner, how can I control and operate AVIVV, LLC in the best interest without knowing the exact financials, general ledgers, and online bank statements?

I owe AVIVV tax liabilities from 2021 that are compounding daily. I am greatly concerned that I cannot access AVIVV's general ledger, real-time accounting, online statements, and checks.

In the past, I have addressed my concerns and fears for my family and myself for our safety. As officers, you have also failed to respond to this vital concern. Based on the past abuse and threats made to me directly in real conversations with your executives, I fear you will harm me. I am suffering from emotional distress and experiencing PTSD.

Therefore, I am making this final plea to you to comply with the law regarding financial disclosure and respect my concerns over personal safety.

I am the 51% majority shareholder of AVIVV LLC, and the Operating Agreement provides me full access to financial information and the authority to make all decisions regarding the company. Per California GO 156:

<https://www.cpuc.ca.gov/supplierdiversity/> (1.3, 1.3.1, 1.3.2, 1.3.3, 1.3.1.1, 1.3.1.2)

In the event you refuse to provide me with the full sum of \$700k, then you must provide me with a minimum of 51% for \$357,000.00, which you already stated I am owed.

At this time, I am not approving the remaining balance of \$343,000.00 to Jingoli Power, LLC.

But since you have filed a claim with AAA against me, I am entitled to 51% of \$700k for \$357,000.00, which needs to be paid immediately (Provide a certified mail return receipt and tracking number no later than COB June 26, 2023.)

Attn: Erica Beal
6347 Park Ridge Blvd.
San Diego, CA 92120

All of your attempts at accusing me of violating the operating agreement are pretextual. You are trying to intimidate and bully me with false accusations and untrue facts.

I have a fiduciary responsibility for conducting business in AVIVV's best interest and I have fulfilled all my obligations of CEO of AVIVV, LLC, despite your actions meant to sabotage and hurt me. Since AVIVV's inception, you coerced me to incorporate in New Jersey, knowing I was a California resident.

I have requested AVIVV LLC checks for three years. I am requesting again in email: Mail me AVIVV LLC checks (minimum quantity of 100). Provide a certified mail return receipt and tracking number no later than COB June 26, 2023.

As CEO, I believe it is improper for the checks of AVIVV LLC employees to originate from Jingoli Power LLC (JPOW) or any of its affiliates. I request AVIVV LLC to generate AVIVV employee checks by June 30, 2023. There should be no more co-mingling of funds.

Send me the money owed to me immediately that I have already approved as the CEO and 51% majority owner.

Erica Beal, CEO | [AVIVV](#) | Eb@avivv.com

P: 619.569.7233 |

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[<image019.png>](#)

[<image020.png>](#)

[<image021.png>](#)

From: Rabe, Bethany <brabe@jingoli.com>
Sent: Friday, June 16, 2023 2:55 PM
To: Beal, Erica <eb@avivv.com>; Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: mbluemel@mcdougallawfirm.com
Subject: RE: AVIVV Recommended Distribution - Confidential & Proprietary - Intended for AVIVV Members

Erica,

As a following-up to your June 9, 2023 email to the Members of AVIVV below, JPOW's counsel has provided the attached documents to your counsel today. We would suggest that all further communications regarding these matters be handled by the Members' respective counsel.

Bethany Rabe | Executive Assistant to Michael Jingoli
100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648
O: 609.512.2201 C: 609.902.6262 E-mail: brabe@jingoli.com

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From: Beal, Erica <eb@avivv.com>
Sent: Friday, June 9, 2023 6:44 PM
To: Jingoli, Michael <mjingoli@jingoli.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: Mark-Robert Bluemel <mbluemel@mcdougallawfirm.com>
Subject: RE: AVIVV Recommended Distribution - Confidential & Proprietary - Intended for AVIVV Members

Dear Members of AVIVV, LLC:

- I am sorry, but I do not agree to request a vote.
- I do object and vote "no."

Part 1:

As 51% owner, CEO, and managing partner of AVIVV LLC, I authorize the \$700,000.00 to be disbursed to Erica Beal. The \$700,000.00 is a start; since, respectfully, I am owed

far more, it can offset my total sum.

Please send a \$700,000.00 certified check with tracking number no later than
COB June 12, 2023, from AVIVV LLC to:

Attn: Erica Beal
6347 Park Ridge Blvd.
San Diego, CA 92120

Part 2:

Under California and New Jersey law regulations and diversity certification, it is improper for the checks of AVIVV LLC employees to originate from Jingoli Power LLC (JPOW) or any of its affiliates. It appears JPOW and some AVIVV LLC members continue to jeopardize AVIVV LLC certified diversity status. Please ensure AVIVV LLC generates AVIVV employee checks. There should be no more co-mingling of funds.

Part 3:

I do not understand the financials JPOW or its affiliates back office in-house accounting prepares. I am very concerned regarding the five-month delay in preparing preliminary monthly statements.

- I received 2022 December preliminary financials on May 19, 2023, and I am still awaiting preliminary financials for January, February, March, April, and May 2023. The ongoing pattern of delays and lack of access to the real-time financials from JPOW and its affiliates has caused AVIVV LLC and me personally to incur tax penalties compounding daily. *Email justification attached.*
- I received 2021 AVIVV LLC audited financial statements on February 22, 2023 (2 years later). *Email justification attached.*

Part 4:

I have a fiduciary responsibility for conducting business in AVIVV's best interest, and I am requesting the following, but not limited to:

- Contracts/records
- Cash
- Real-time accounting
- General ledger(s)
- Access to online bank accounts
- Please send AVIVV LLC checks (minimum quantity of 100) certified check with tracking numbers no later than COB June 12, 2023

Send to:
ATTN: Erica Beal
5173 Waring Rd. Ste. 87
San Diego, CA 92120

I have been forced to retain legal counsel to protect myself from further victimization, harassment, threats, isolation, coercion, and debt bondage (to name a few).

I do not want this to escalate further.

I want to work amicably and ensure we comply with and do not compromise our

diversity certifications, compliance, and laws/regulations.

I am the 51% majority shareholder of AVIVV LLC, and the Operating Agreement provides me with full access to the financial information and the authority to make all decisions regarding the company. You have only provided encapsulated information and consistently undermined my efforts. Regardless, I have honored the partnership and performed my duties as the CEO of AVIVV LLC. I continue to develop and cultivate lucrative financial opportunities and contracts with new clients.

<https://www.cpuc.ca.gov/supplierdiversity/>
https://docs.cpuc.ca.gov/Published/General_order/59939.htm

"1.3. Definitions

1.3.1. "Commission" means The California Public Utilities Commission as provided for in Article XI of the California Constitution.

1.3.2. "Women-owned business" means (1) a business enterprise (a) that is at least 51% owned by a woman or women or (b) if a publicly owned business, at least 51% of the stock of which is owned by one or more women; and (2) whose management and daily business operations are controlled by one or more of those individuals.

1.3.3. "Minority-owned business" means (1) a business enterprise (a) that is at least 51% owned by a minority individual or group(s) or (b) if a publicly owned business, at least 51 % of the stock of which is owned by one or more minority groups, and (2) whose management and daily business operations are controlled by one or more of those individuals. The contracting utility shall presume that minority includes, but is not limited to, Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other groups, as defined herein.

1.3.11. "Control" means exercising the power to make policy decisions.

1.3.12. "Operate" means being actively involved in the day-to-day management and not merely acting as officers or directors."

I feel JPOW and some AVIVV LLC members have created a dangerous environment where I am living in fear for my safety and life, and you have incorporated my family's well-being. As a woman, minority, and military spouse, I am scared due to his malicious actions, specifically with Karl Miller. I am pleading not to receive any further retaliation from JPOW and its affiliates for my request to fulfill my role as CEO of AVIVV LLC.

Thank you for your prompt attention to this matter.

Erica Beal, CEO | [AVIVV](https://www.avivv.com) | Eb@avivv.com

P: 619.569.7233 |

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[<image023.png>](#)

[<image021.png>](#)

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From: Rabe, Bethany <brabe@jingoli.com> **On Behalf Of** Jingoli, Michael

Sent: Wednesday, May 31, 2023 9:58 AM

To: Beal, Erica <eb@avivv.com>; Miller, Karl <kmiller@jingolipower.com>; Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Michael <mjingoli@jingoli.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>

Cc: Rabe, Bethany <brabe@jingoli.com>

Subject: RE: AVIVV Recommended Distribution

Erica,

Please cast your vote as YES or NO.

Michael D. Jingoli | CFO

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2200 C: 609.213.6640 E-mail: mjingoli@jingoli.com

[<image025.jpg>](#)

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From: Miller, Karl <kmiller@jingolipower.com>

Sent: Friday, May 26, 2023 9:12 AM

To: Gibson, Brian <bgibson@jingolipower.com>

Cc: Jingoli, Michael <mjingoli@jingoli.com>; Beal, Erica <eb@avivv.com>; Schuda, Phil <pschuda@jingolipower.com>; Jingoli, Joe Jr <jjingoli@jingoli.com>; Rabe, Bethany <brabe@jingoli.com>

Subject: Re: AVIVV Recommended Distribution

Yes

Karl Miller

847.910.8882

kmiller@jingolipower.com

On May 25, 2023, at 8:05 AM, Gibson, Brian
<bgibson@jingolipower.com> wrote:

YES

From: Rabe, Bethany <brabe@jingoli.com> **On Behalf Of** Jingoli, Michael
Sent: Thursday, May 25, 2023 9:32 AM
To: Beal, Erica <eb@avivv.com>; Miller, Karl <kmiller@jingolipower.com>;
Gibson, Brian <bgibson@jingolipower.com>; Schuda, Phil
<pschuda@jingolipower.com>; Jingoli, Michael <mjingoli@jingoli.com>;
Jingoli, Joe Jr <jjingoli@jingoli.com>
Cc: Rabe, Bethany <brabe@jingoli.com>
Subject: AVIVV Recommended Distribution

To the Members of AVIVV:

AVIVV is currently operating with enough excess cash for a \$700,000
distribution total (\$357,000 to Beal [51%] and \$343,000 to JPOW [49%]).

Please reply to this email as YES if you are in agreement with the above
distribution or NO if you are not.

If approved, we can make the distribution this week or next and it can be
utilized for tax liabilities, tuition, or any other Member intended purpose.

Thank you.

Michael D. Jingoli | CFO

100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648

O: 609.512.2200 C: 609.213.6640 E-mail: mjingoli@jingoli.com

<image001.jpg>

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message from your computer. Thank you.

EXHIBIT “H”

CH-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name:

ERICA L. BEAL

Your Lawyer (if you have one for this case):

Name:

State Bar No.:

Firm Name:

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: 5173 WARING RD. STE. 87

City: SAN DIEGO

State: CA

Zip: 92120

Telephone: 619-569-7233 Fax:

Email Address:

FILED
Clerk of the Superior Court

AUG 08 2023

By: J. Jones, Deputy

Fill in court name and street address:

Superior Court of California, County of San Diego

☒ CENTRAL DIVISION, HALL OF JUSTICE,
330 W. BROADWAY, SAN DIEGO, CA 92101
☐ EAST COUNTY DIVISION,
250 E. MAIN ST., EL CAJON, CA 92020
☐ NORTH COUNTY DIVISION,
325 S. MELROSE DR., VISTA, CA 92081
☐ SOUTH COUNTY DIVISION,
500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

Case Number:

37-2023-00033655-CU-HR-CTL

2 Person From Whom Protection Is Sought

Full Name: KARL D. MILLER

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

Hearing
Date

→ Date:

AUG 31 2023

Time:

9:00am

Dept.:

C-61

Room:

Name and address of court if different from above:

**For hearing appearance information
please visit www.sdcourt.ca.gov**

4 Temporary Restraining Orders (Any orders granted are on form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

(1) ☐ All **GRANTED** until the court hearing.

(2) ☐ All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

(3) ☒ Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)



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b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are:

(1) ☐ The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.

(2) ☒ Other (specify). ☐ As stated on Attachment 4b

Denied as to Other Personal Conduct Orders as this would constitute an illegal Prior Restraint in violation of the 1st Amendment to the U.S. Constitution.
Denied as to "cease (e)" Stay-Away orders as impossible and too broad to be the basis of a Court Order.
Denied as to Protection of Animals as there are no alleged facts justifying such an order.

⑤ Confidential Information Regarding Minor

- a. ☐ A Request to Keep Minor's Information Confidential (form CH-160) was made and **GRANTED**. (See form CH-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. If the request was granted, the information described in item ⑦ on the order (form CH-165) must be kept **CONFIDENTIAL**. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.

⑥ Service of Documents for the Person in ①

At least ☒ five ☐ _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court's file-stamped copy of this form (CH-109) to the person in ② along with a copy of all the forms indicated below:

- a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b. ☒ CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. CH-250, *Proof of Service by Mail* (blank form)
- f. ☐ CH-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped) **IF GRANTED**
- g. ☐ Other (specify): _____

Date: 08/08/2023

Judicial Officer

PETER F. MURRAY

Case Number:
37-2023-00033655-CU-HR-CTL

To the Person in ①

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read form CH-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

To the Person in ② :

- If you want to respond to the request for orders in writing, file form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—not you or anyone to be protected—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date AUG 08 2023

Clerk, by

M. Valdez

, Deputy



CH-110

Temporary Restraining Order

Clerk ~~signs~~ date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

FILED
Clerk of the Superior Court

AUG 08 2023

By: J. Jones, Deputy

① Protected Person

a. Your Full Name: Erica L. Beal

Your Lawyer (if you have one for this case):

Name: _____ State Bar No. _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address: 5173 Waring Rd. Ste. 87

City: San Diego State: CA Zip: 92120

Telephone: _____ Fax: _____

Email Address: texi2cali@gmail.com

Fill in court name and street address:

Superior Court of California, County of

**Superior Court
330 West Broadway
San Diego, CA 92101**

Court fills in case number when form is filed.

Case Number:

37-2023-00033655-CU-HR-CTL

② Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: Karl D. Miller *Age: 62 Date of Birth: 8/9/1961

*Race: White Height: 6' 3" Weight: 210 Hair Color: brown Eye Color: blue

*Gender: ☒ M ☐ F ☐ Nonbinary Home Address: 335 Gravilla St.

City: La Jolla State: CA Zip: 92037

Relationship to Protected Person: Business Partner Personal

③ ☒ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Gender	Age	Household Member?	Relation to Protected Person
<u>Gabriel Raphael Beal</u>	<u>M</u>	<u>8</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>son</u>
<u>Logan Thomas Beal</u>	<u>M</u>	<u>15</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>son</u>
<u>Jeremy Thomas Beal</u>	<u>M</u>	<u>42</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>husband</u>
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

☐ Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: AUG 31 2023 Time: 9:00 ☒ a.m. ☐ p.m.

This is a Court Order.



Case Number:

37-2023-00033655-CU-HR-CTL

To the Person in ②

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

⑤ Personal Conduct Orders

☐ Not Requested ☐ Denied Until the Hearing ☒ Granted as Follows:

a. You must **not** do the following things to the person named in ①

☒ and to the other protected persons listed in ③:

- (1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☒ Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
- (3) ☒ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) ☐ Other (specify):

☐ Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

None other

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

⑥ Stay-Away Order

☐ Not Requested ☐ Denied Until the Hearing ☒ Granted as Follows:

a. You must stay at least 100 yards away from (check all that apply):

- (1) ☒ The person in ①
- (2) ☒ Each person in ③
- (3) ☒ The home of the person in ①
- (4) ☒ The job or workplace of the person in ①
- (5) ☒ The school of the person in ①
- (6) ☒ The school of the children of the person in ①
- (7) ☒ The place of child care of the children of the person in ①
- (8) ☒ The vehicle of the person in ①
- (9) ☐ Other (specify):

None other

b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b on the next page.

This is a Court Order.



Case Number:

37-2023-00033655-CU-HR-CTL

b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

c. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)

- d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

8 Possession and Protection of Animals

☐ Not Requested ☒ Denied Until the Hearing ☐ Granted as Follows (specify):

- a. ☐ The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

- b. ☐ The person in ② must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

9 Other Orders

☐ Not Requested ☒ Denied Until the Hearing ☐ Granted as Follows (specify):

- ☐ Additional orders are attached at the end of this Order on Attachment 9.

To the Person in ①

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☒ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

This is a Court Order.



Case Number:

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- c. ☐ By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

- ☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

⑪ **No Fee to Serve (Notify) Restrained Person** ☒ **Ordered** ☐ **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. ☒ The Order is based on unlawful violence, a credible threat of violence, or stalking.
b. ☐ The person in ① is entitled to a fee waiver.

⑫ Number of pages attached to this Order, if any: _____

Date: _____

08/08/2023

Judicial Officer

PETER F. MURRAY

Warnings and Notices to the Restrained Person in ②

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.

This is a Court Order

Case Number:

37-2023-00033655-CU-HR-CTL

- You must have form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

This is a Court Order.



Case Number:

37-2023-00033655-CU-HR-CTL

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]



—Clerk's Certificate—

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: AUG 08 2023

Clerk, by

A handwritten signature in black ink, appearing to read "M. Valdez".

M. Valdez

Deputy

This is a Court Order

CH-100

Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

Read *Can a Civil Harassment Restraining Order Help Me? (form CH-100-INFO)* before completing this form. Also fill out *Confidential CLETS Information (form CLETS-001)* with as much information as you know.

2023 AUG -8 P 2:35

1 Person Seeking Protection

a. Your Full Name: Erica L. Beal

Erica L. Beal

Age: 43

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: 5173 Waring Rd. Ste. 87

City: San Diego State: CA Zip: 92120

Telephone: 619-569-7233 Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

**Superior Court
330 West Broadway
San Diego, CA 92101**

Court fills in case number when form is filed.

Case Number:

37-2023-00033655-CU-HR-CTL

2 Person From Whom Protection Is Sought

Full Name: Karl D. Miller Age 62

Address (if known) 335 Gravilla St.

City: La Jolla State: CA Zip: 92037

3 Additional Protected Persons

a. Are you asking for protection for any other family or household members? ☒ Yes ☐ No If yes, list them:

Full Name	Gender	Age	Lives with you?	How are they related to you?
<u>Logan Thomas Beal</u>	<u>M</u>	<u>15</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>son</u>
<u>Gabriel Raphael Beal</u>	<u>M</u>	<u>8</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>son</u>
<u>Jeremy Thomas Beal</u>	<u>M</u>	<u>42</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>husband</u>
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

My family and I need protection from Karl Miller because he made it clear that he would hurt my family by means of physical and intimidating threats.

This is not a Court Order.



Case Number:
 37-2023-06033655-CU-HR-CTL

4 Relationship of Parties

How do you know the person in (2)? (Explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

Personal Business Partner

5 Venue

Why are you filing in this county? (Check all that apply):

- a. ☒ The person in (2) lives in this county.
- b. ☒ I was harassed by the person in (2) in this county.
- c. ☒ Other (specify): I reside in this county and he knows where I live

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

☐ Yes ☒ No (If yes, check each kind of case and indicate where and when each was filed.)

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Civil Harassment			
(2) <input type="checkbox"/> Domestic Violence			
(3) <input type="checkbox"/> Divorce, Nullity, Legal Separation			
(4) <input type="checkbox"/> Paternity, Parentage, Child Custody			
(5) <input type="checkbox"/> Elder or Dependent Adult Abuse			
(6) <input type="checkbox"/> Eviction			
(7) <input type="checkbox"/> Guardianship			
(8) <input type="checkbox"/> Workplace Violence			
(9) <input type="checkbox"/> Small Claims			
(10) <input type="checkbox"/> Criminal			
(11) <input type="checkbox"/> Other (specify):			

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? ☒ No ☐ Yes (If yes, attach a copy if you have one.)

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

(1) When did it happen? (provide date or estimated date): 6/28/2023

(2) Who else was there?

General public - Charity Event - U.S.

This is not a Court Order



Case Number:

37-2023-00033655-CU-HR-CTL

7 a. (3) How did the person in 2 harass you? (Explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

Karl Miller spoke to me privately and mentioned "I'll fucking kill you and your family if you think you can win"

(4) Did the person in 2 use or threaten to use a gun or any other weapon?

☒ Yes ☐ No (If yes, explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

Karl Miller stated "he would use any means necessary to destroy my family and our lives"

(5) Were you harmed or injured because of the harassment?

☒ Yes ☐ No (If yes, explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

I'm now suffering from PTSD, I am on depression medication, and my health has suffered. My husband is on anxiety medicine. My children are afraid to leave anywhere now due to the safety concerns.

(6) Did the police come? ☐ Yes ☒ No

If yes, did they give you or the person in 2 an Emergency Protective Order? ☐ Yes ☐ No

If yes, the order protects (check all that apply):

☐ Me ☐ The person in 2 ☐ The persons in 3.

(Attach a copy of the order if you have one.)

b. Has the person in 2 harassed you at other times?

☒ Yes ☐ No (If yes, describe prior incidents and provide dates of harassment below):

☒ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

3/27/23 - At a public hearing, Karl Miller became hostile and agitated towards me. He threatened and intimidated me and saying "You backstabbing, greedy, Bitch. I will hurt you."

This is not a Court Order.

Case Number:

37-2023-00033655-CU-HR-CTL

Check the orders you want. ☒

8 ☒ Personal Conduct Orders

I ask the court to order the person in (2) not to do any of the following things to me or to any person to be protected listed in (3):

- a. ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. ☒ Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by ~~interoffice~~ mail, by email, by text message, by fax, or by other electronic means.

c. ☒ Other (specify):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.

speaks ill against me, berate, or slander my name/reputation to other persons of family, business, entities, and the general public.

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

9 ☒ Stay-Away Orders

a. I ask the court to order the person in (2) to stay at least 1000 yards away from (check all that apply):

- (1) ☒ Me.
- (2) ☒ The other persons listed in (3).
- (3) ☒ My home.
- (4) ☒ My job or workplace.
- (5) ☒ My school.
- (6) ☒ My children's school.
- (7) ☒ My children's place of child care.
- (8) ☒ My vehicle.
- (9) ☒ Other (specify):

company functions that we collectively support

b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☒ Yes ☐ No (If no, explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

10 Firearms (Guns), Firearm Parts, and Ammunition

Does the person in (2) own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). ☒ Yes ☐ No ☐ I don't know

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts within their immediate possession or control.

This is not a Court Order.



Case Number:

37-2023-00033655-CU-HR-CTL

11 ☒ Temporary Restraining Order

I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form CH-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in (2) been told that you were going to go to court to seek a TRO against him or her?

☐ Yes ☒ No (If you answered no, explain why below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title.

~~I choose not to speak or engage due to fear or retaliation and more threats.~~

12 ☒ Request to Give Less Than Five Days' Notice of Hearing

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

~~It allows me to secure protection for my family and myself.~~

13 ☒ No Fee for Filing or Service

- a. ☒ There should be no filing fee because the person in (2) has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. ☒ The sheriff or marshal should serve (notify) the person in (2) about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. ☒ There should be no filing fee and the sheriff or marshal should serve the person in (2) for free because I am entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver of Court Fees and Costs.)

14 ☐ Lawyer's Fees and Costs

I ask the court to order payment of my ☐ lawyer's fees ☐ Court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
	\$		\$
	\$		\$
	\$		\$

☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order



Case Number:

37-2023-00033655-CU-HR-CTL

15 ☐ **Possession and Protection of Animals**

I ask the court to order the following:

- a. ☒ That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.
(Identify animals by, e.g., type, breed, name, color, sex.)

Dog, Blue Heeler, Cockerney, Male

I request sole possession of the animals because (specify good cause for granting order):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

- b. ☒ That the person in **(2)** must stay at least 500 yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

16 ☒ **Additional Orders Requested**

I ask the court to make the following additional orders (specify):

- ☒ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

Ask the court to require Earl Miller to take anger management and sexual harassment courses

17 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 9/8/2023

ERICA L. BEAL

Type or print your name

Erica L. Beal

Sign your name

This is not a Court Order

MC-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ERICA L. BEAL 5173 Warming Rd. Ste 87 San Diego, CA 92120 TELEPHONE NO. 619 509 7233 FAX NO. (Optional): EMAIL ADDRESS: texi2cali@gmail.com ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		
PLAINTIFF/PETITIONER: ERICA L. BEAL DEFENDANT/RESPONDENT: KARL D. MILLER		
DECLARATION		CASE NUMBER: 37-2023-00033655-CU-HR-CTL

On 6/28/2023 - KARL MILLER spoke to me privately + mentioned,
"I'll fucking kill you and your family if you think you
can win."

He said he would use any means necessary to destroy
my family and our lives.

On 3/27/23 - Public Hearing Karl stated, "You back stabbing
greedy bitch. I will hurt you!"

KARL KNOWS where I live, the cars I drive, the places
I attend and the people I am with.

He is able to commit violence against my family and myself
without penalty because he has money to avoid prosecution.
I am scared of my life and seeking weekly counseling and taking
over 4 medications daily to function.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 9/8/2023

ERICA L. BEAL

(TYPE OR PRINT NAME)

Erica L. Beal

(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

CIVIL HARASSMENT RESPONDENT PACKET



FORMS INCLUDED IN THIS PACKET

How Can I Respond to a Request for Civil Harassment Restraining Orders?	Judicial Council Form #CH-120-INFO
Response to Request for Civil Harassment Restraining Orders	Judicial Council Form #CH-120
How to Ask for a New Hearing Date	Judicial Council Form #CH-115-INFO
Instructions for Requesting to Continue Hearing on Restraining Order	SDSC Form #CIV-385
Proof of Service of Response by Mail	Judicial Council Form #CH-250
How Do I Turn In, Sell, or Store my Firearms and Firearm Parts?	Judicial Council Form #CH-800-INFO
Receipt for Firearms and Firearm Parts	Judicial Council Form #CH-800

CH-120-INFO

How Can I Respond to a Request for Civil Harassment Restraining Orders?

What is a civil harassment restraining order?

It is a court order that prohibits you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see <https://selfhelp.courtinfo.ca.gov/restraining-orders/prohibited-items>.

Who can ask for a civil harassment restraining order?

A person who is worried about safety because he or she has been or is being:

- Stalked
- Harassed
- Assaulted, including sexually, or
- Threatened with violence

I've been served with a request for civil harassment restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at www.courtinfo.ca.gov/forms. Forms may also be at your local courthouse or county law library.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form CH-250, *Proof of Service by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

Yes. You should go to court on the date listed on form CH-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

CH-109 Notice of Court Hearing

1. **Person From Whom Protection Is Sought**

a. **Time, Date, and Place**

Your Lawyer (if you have one for this case):
Name: _____ State Bar No.: _____
Firm Name: _____

b. **Your Address** (If you have a lawyer, give your lawyer's. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give a fax, or e-mail.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail: _____

2. **Person From Whom Protection Is Sought**
Full Name: _____

The court will _____ the rest of this form

3. **Notice of Hearing**
A court hearing is scheduled on the request for restraining orders against the person in 2.
Name and address of court if different from above:
Date: _____ Time: _____
Dept.: _____ Room: _____

4. **Temporary Restraining Orders** (Any orders granted are on Form CH-110, served with this notice.)
a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100 Request for Civil Harassment Restraining Orders, are (check only one box below):
(1) ☐ All GRANTED until the court hearing
(2) ☐ All DENIED until the court hearing. (Specify reasons for denial in b. below.)
(3) ☐ Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b. below.)

Judicial Council of California, www.courtinfo.ca.gov
Revised: 10/1/2019, Mandatory Form
Only for Civil Harassment, § 52.7
Copyright © 2019

**Notice of Court Hearing
(Civil Harassment Prevention)**

CH-109, Page 1 of 3



CH-120

Response to Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the Request (form CH-100)

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use form CH-250, Proof of Service by Mail.)

① Person Seeking Protection

Full name of person seeking protection (see form CH-100, item ①)

② Person From Whom Protection Is Sought

a. Your Name:

Your Lawyer (if you have one for this case)

Name: State Bar No.:

Firm Name:

- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address

City: State: Zip:

Telephone: Fax:

Email Address:

Fill in court name and street address:

Superior Court of California, County of

- ☐ CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

Case Number:

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:

Hearing Date

Date: Time:

Dept.: Room:

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

③ ☐ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3.)
- c. ☐ I agree to the following orders (Specify below or in item ⑪ on page 3.)

④ ☐ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3.)
- c. ☐ I agree to the following orders (specify below or in item ⑪ on page 3):

⑤ ☐ Additional Protected Persons

- a. ☐ I agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.



Case Number:

10 ☐ **Justification or Excuse**

If I did some or all of the things that the person in **1** has accused me of, my actions were justified or excused for the following reasons (*explain*):

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

11 ☐ **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each order requested that you do not agree with.

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.



CH-115-INFO How to Ask for a New Hearing Date

1 You may need to ask for a new court date if:

- You are the person asking for protection and are unable to have *Notice of Court Hearing* (form CH-109), and other papers served in time before the court date.
- You are the person to be restrained and making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant your request to reschedule your court date on a showing of good cause.)

2 What does form CH-115 do?

Use *Request to Continue Hearing* (form CH-115) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (TRO; form CH-110) was granted, the TRO will be extended until the end of your new court date unless the court decides to modify or terminate it. "Extend" means to keep any temporary orders in effect until the new court date.

3 Follow these steps:

- Fill out all of form CH-115.
- Fill out items ① and ② on *Order on Request to Continue Hearing* (form CH-116).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form CH-116, you will have a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location on form CH-109.
- Next, file both forms CH-115 and CH-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served a copy of the court papers as described in item ⑥ on form CH-116.
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use *Proof of Personal Service* (form CH-100). If service was by mail, use *Proof of Service—Civil* (form POS-040). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk's office before your court date.
- If the court reschedules your court date and extends the TRO to the new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. "Documents" may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If you are the person seeking protection and you do not go to the court date, your TRO will expire at the end of your court date.
- If you are the person to be restrained and you do not go to your court date, the court can still make orders against you that can last for up to five years.

5 Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

INSTRUCTIONS FOR REQUESTING TO CONTINUE HEARING ON RESTRAINING ORDER

Protected or restrained persons may request to continue the hearing on restraining order by following the process for the location where the hearing is scheduled as indicated below.

The following forms are required for all requests:

Civil Harassment/Elder Abuse

- **Request to Continue Hearing (JC Form #CH-115/EA-115)**
- **Order on Request to Continue Hearing (JC Form #CH-116/EA-116)**

Parties may request to continue the hearing by either appearing on the day of the hearing or appearing ex parte prior to the scheduled hearing date.

Instructions for Appearing Ex Parte

Central Division

An ex parte hearing may be scheduled by calling (619) 450-7275 and requesting to be transferred to Department 61. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) to the courtroom clerk upon checking-in.

East County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

North County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

South County Division

An ex parte hearing may be scheduled at the counter in the Business Office or by calling (619) 746-6200 the day before the requested hearing date. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) and a declaration of notice and drop them off in the Ex Parte Box no later than 12:00 p.m. the day before the scheduled ex parte hearing.

CH-250

Proof of Service by Mail

Check stamps date here when form is filed.

1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items **1**, **2**, or **3** of form CH-100, *Request for Civil Harassment Restraining Orders*.
- Mail a copy of all documents checked in **4** to the person in **5**.

Fill in court name and street address:

Superior Court of California, County of San Diego

- ☐ CENTRAL DIVISION, HALL OF JUSTICE,
330 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,
500 3RD AVE., CHULA VISTA, CA 91910

Fill in case number:

Case Number:

4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in **5:**

- a. ☐ CH-120, *Response to Request for Civil Harassment Restraining Orders*
- b. ☐ CH-130, *Civil Harassment Restraining Order After Hearing*
- c. ☐ Other (specify) _____

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Name of person served: _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. Mailed on (date). _____
- d. Mailed from (city) _____ (state): _____

6 Server's Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

If you are a registered process server

County of registration: _____ Registration number: _____

7 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name

Server to sign here

CH-800-INFO

How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form CH-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <http://selfhelp.courts.ca.gov/respond-to-4th-restraining-order-to-own-firearms-unless>

For help in your area, contact:

[Local information may be inserted.]

CH-800

Receipt for Firearms and Firearm Parts

Clerk stamps date here when form is filed.

1 Petitioner

Name: _____

2 Restrained Person

a. Your Name _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of San Diego

- ☐ CENTRAL DIVISION, HALL OF JUSTICE,
330 W. BROADWAY, SAN DIEGO, CA 92101
- ☐ EAST COUNTY DIVISION,
250 E. MAIN ST., EL CAJON, CA 92020
- ☐ NORTH COUNTY DIVISION,
325 S. MELROSE DR., VISTA, CA 92081
- ☐ SOUTH COUNTY DIVISION,
500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

Case Number:

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **4** or **5**. For more information on how to properly turn in your items, read form CH-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

4

To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in **2**.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items (List all the items surrendered by the person in **2**. You may attach a separate form from your agency (e.g., a properly report), use item **6**, or both. Check below if you have attached a separate form):

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item **6**.)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent _____



Case Number:

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes (If yes, check one of the boxes below):

a. ☐ I filed a *Receipt for Firearms and Firearm Parts* (form CH-800) or other proof for those items with the court on (date): _____

b. ☐ I am filing the proof for those firearms (guns) and firearm parts along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (guns) and firearm parts.
(Explain why not):

Your signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

EXHIBIT “I”

5:50

14m



Erica >

Sun, Nov 13 at 4:01 PM

Thanks for sharing the
DOD recognition on
Veterans Day.

Mon, Mar 27 at 12:12 PM

Excellent job last week!

If you ever need any
speakers/mentors for
competitive edge, Jere-
my is always willing to
help.

We are advocates.



iMessage



EXHIBIT “J”

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO, CENTRAL DISTRICT

Erica Beal, an individual;

Plaintiff,

v.

JINGOLI POWER, LLC, a New Jersey
Limited Liability Company; KARL MILLER,
an individual; ECKERT SEAMANS, a New
Jersey Limited Liability Company;

Defendants.

Case No.:

COMPLAINT FOR DAMAGES FOR:

- 1. Sexual Harassment [Govt. Code § 2940(j)];**
- 2. Failure to Prevent Sexual Harassment [Govt. Code § 12940(k)];**
- 3. Negligent Supervision;**
- 4. Unlawful Retaliation [Govt. Code § 12940(h)];**
- 5. Intentional Infliction of Emotional Distress;**
- 6. Sexual Battery [Civil Code § 1708.5];**
- 7. Sexual Assault;**
- 8. Fraud;**
- 9. Breach of Contract**
- 10. Breach of Fiduciary Duty;**
- 11. Breach of the Covenant of Good Faith & Fair Dealing**
- 12. Unfair Business Practices**
- 13. Accounting**
- 14. Declaratory Relief**

UNLIMITED JURISDICTION
DEMAND EXCEEDS \$25,000

COMES NOW, Plaintiff, Erica Beal, by her attorneys McDougal Boehmer Foley Lyon Mitchell & Erickson, as and for this Complaint against JINGOLI POWER, LLC, and KARL MILLER, alleges and states the following:

I.

INTRODUCTORY ALLEGATIONS

1. Plaintiff, Erica Beal, is, and at all times herein mentioned was, a resident of the County of San Diego, State of California. Plaintiff alleges she was employed by and/or consulted for defendants, and each of them, at all times material.

2. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned, defendants, JINGOLI POWER, LLC (herein after “JPOW”), is and was a New Jersey Limited Liability Company, with its principal place of business in New Jersey and doing business in the County of San Diego, State of California.

3. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned, defendant, KARL MILLER, was and is a natural person residing in and doing business in the County of San Diego, State of California. Plaintiff is further informed and believes, and based thereon alleges, that at all times herein mentioned, defendant, KARL MILLER, is and/or was a shareholder, director, officer, President, Chief Executive Officer, agent, representative, partner, owner and/or alter ego of defendant, JPOW, and, in committing the acts hereinafter alleged, was acting in the course and scope of his authority as shareholder, director, officer President, Chief Executive Officer, agent, representative, partner, owner and/or alter ego of defendant, JPOW, with the full knowledge, permission, consent, and ratification of said defendant.

4. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned, defendant ECKERT SEAMANS, is a New Jersey Limited Liability Company, which has represented plaintiff in matters her in in the County of San Diego, State of California.

5. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned, defendant, KARL MILLER, was and is a natural person residing in and doing

1 business in the County of San Diego, State of California. Plaintiff is further informed and
2 believes, and based thereon alleges, that at all times mentioned herein, defendant, KARL
3 MILLER, is and/or was a shareholder, director, officer, Secretary, agent, representative, partner,
4 owner and/or alter ego of defendant, JPOW, and, in committing the acts hereinafter alleged, was
5 acting in the course and scope of his authority as shareholder, director, officer, Secretary, agent,
6 representative, partner, owner and/or alter ego of defendant, JPOW, with the full knowledge,
7 permission, consent, and ratification of said defendant.

8 6. The incidents herein complained of occurred within the County of San Diego,
9 State of California; therefore, this Judicial District, and jurisdiction and venue are properly with
10 this Court. On August 28, 2023, plaintiff received a "Right to Sue" letter from the California
11 Civil Rights Department.

12 7. The true names and capacities, whether individual, corporate, associate, or
13 otherwise, of defendants designated herein as DOES 1 through 50, inclusive, and each of them,
14 are unknown to plaintiff, who therefore sues said defendants, and each of them, by such fictitious
15 names. Plaintiff will amend this Complaint to show their true names and capacities when they
16 have been ascertained. Plaintiff is informed and believes, and based thereon alleges, that each of
17 the defendants designated herein as a DOE, is responsible through breach of contract or
18 warranty, battery, negligence, strict liability, malpractice, or otherwise, and in some manner
19 caused, or is responsible for, the events and happenings herein referred to, and thereby caused
20 the injuries and damages to plaintiff as herein alleged.

21 8. Plaintiff is informed and believes, and based thereon alleges, that at all times
22 herein mentioned, defendants, and each of them, were the agents, employees, subcontractors,
23 joint venturers, partners, officers, or directors, of each other defendant, and in doing the things
24 herein mentioned were acting within the course and scope of their authority as such agents,
25 employees, subcontractors, joint venturers, partners, officers, directors, or shareholders, and with
26 the consent, knowledge, authorization, permission, and ratification of their co-defendants, and
27 each of them.

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1 9. Plaintiff is informed and believes, and based thereon alleges, that defendants, and
2 each of them, may contend that plaintiff's claims are subject to a binding arbitration agreement
3 which plaintiff alleges is not enforceable because it is procedurally and substantively invalid and
4 unenforceable under 9 U.S.C.A. section 402.

5 10. The tortious acts and omissions alleged to have occurred herein were performed
6 by management level employees.

7 11. The actions of defendants, and each of them, against plaintiff constitute unlawful
8 employment practices in violation of public policy and have caused and will continue to cause
9 plaintiff to suffer past and future loss of earnings, loss of earnings capacity, and other
10 employment benefits, all to her damage in amounts to be proven at the time of trial.

11 12. As a further direct, legal (proximate), and foreseeable result of the unlawful and
12 intentional sexually harassing, discriminatory, and retaliatory actions of defendants, and each of
13 them, against plaintiff as herein alleged, plaintiff has been harmed in that she has suffered and
14 continues to suffer economic and non-economic damages, including but not limited to past and
15 future medical expenses, incidental damages, and severe humiliation, emotional distress, mental,
16 emotional and physical pain, loss of reputation, mental anguish, and loss of enjoyment of life, all
17 to her damage in amounts to be proven at the time of trial.

18 13. Plaintiff is informed and believes, and based thereon alleges, that defendants, and
19 each of them, committed these acts, as herein alleged, intentionally, maliciously, fraudulently,
20 and oppressively, and with the wrongful intent of injuring plaintiff, and acted with an improper
21 and evil motive amounting to malice or despicable conduct. Alternatively, the wrongful conduct
22 of defendants, and each of them, was carried out with a conscious disregard for the rights and
23 safety of others, including plaintiff. Further, said conduct of defendants, and each of them, was
24 intentional and falls within the scope of subsections (a)(2), (a)(4), and (a)(6) of Section 523 of
25 the United States Bankruptcy Code, 11 U.S.C.A. 523.

26 14. The conduct of defendants, and each of them, warrants an award of punitive
27 damages against them, in an amount sufficient to punish defendants, and each of them, and to
28 deter others from engaging in the same or similar conduct.

1 15. Plaintiff seeks compensatory damages, punitive damages, costs of suit herein, and
2 attorney's fees.

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4 **II.**
5 **FIRST CAUSE OF ACTION**
6 **(Sexual Harassment Against Defendants Miller and JPOW –**
7 **Violation of Cal. Govt. Code section 12940(j)(1))**

8 16. Plaintiff refers to, re-alleges, and incorporates by reference each and every
9 allegation contained in the preceding paragraphs as if fully set forth here, in their entirety.

10 17. Plaintiff is a Hispanic military spouse and mother, who has over twenty years of
11 utility experience in project management, supply chain, energy efficiency, auditing, and supplier
12 diversity. (Exhibit 4). She has been featured in articles in Forbes Magazine. (Exhibit 5). One
13 contributor to the magazine described her as a Latina CEO who breaks down the gender barrier
14 in engineering and provides an employment solution for military spouses.

15 18. Working for Sempra Energy for sixteen years, plaintiff managed the procurement,
16 development, and implementation with over \$600 million per year. During her term with
17 Southern California Gas Company and San Diego Gas and Electric she caused the spending with
18 minority woman-owned businesses to double and recognized as Women in Business Champion
19 of the Year by Small Business Administration.

20 19. On January 25, 2019, plaintiff resigned from her position at San Diego Gas and
21 Electric and began working as a consultant. Her consulting clients included Cordoba Corporation
22 and defendant JPOW.

23 20. In August of 2019, defendant KARL MILLER approached plaintiff at the corporate
24 executive office of defendant JPOW, to start a Diverse Business Enterprise. AVIVV LLC was
25 formed on September 9, 2019, and the application to Register a Foreign Limited Liability
26 Company was filed with the California Secretary of State on October 22, 2019. (Exhibit 6).

27 21. Plaintiff alleges that beginning in February 2019, and continuing to the end of 2022,
28 defendant, KARL MILLER, flirted with plaintiff, made sexually suggestive statements to her,
touched plaintiff in an offensive and sexually suggestive way, and engaged in a continuous course
of discriminatory conduct that constituted sexual harassment and created a hostile work

1 environment that was not free of sexual harassment, discrimination, and retaliation. The conduct
2 of defendant, KARL MILLER, was unwelcome, and plaintiff rejected his sexual advances.
3 Plaintiff also heard and observed, on multiple occasions during her employment, sexually
4 offensive statements and behavior on the part of defendant, KARL MILLER, directed at other
5 female employees. Defendant, KARL MILLER instructed plaintiff to dress provocatively when
6 meeting potential male clients and that she had to be willing to “go all the way”. Plaintiff did not
7 complain to defendants sooner because defendants either ignored, dismissed, or referred said
8 complaints to defendant, JPOW, and never took any action to stop or prevent the unlawful and
9 despicable conduct of defendant, KARL MILLER, or to enforce a “zero tolerance” policy towards
10 sexual harassment.

11 22. In February 2019, during the first month of plaintiff working as a consultant for
12 defendant JPOW, defendant KARL MILLER stated to her: “You are the first woman I worked
13 with that I didn’t have sex with.” Plaintiff responded that she did not know how to take that
14 statement, to which defendant KARL MILLER responded: “I like it. It shows you are protective
15 of me and the guys.”

16 23. On March 2, 2019, defendant KARL MILLER informed plaintiff in a text that he
17 had fired a female employee, whom he nicknamed “Bravo”, via text. In a subsequent telephone
18 call to plaintiff, KARL MILLER he stated: “Be thankful; your partners are billionaires, and we
19 can take on anyone that betrays us.”

20 24. Defendant KARL MILLER demanded that plaintiff dress in revealing outfits to
21 entice the mostly male clients. On March 18, 2019, the texted plaintiff: “You girls better look
22 spiffy.” He later complained to plaintiff: “You didn’t wear something to show your assets and
23 cleavage. Men love seeing women’s bra and thong lines.”

24 25. On April 3, 2019, plaintiff arranged for dinner with a client, after which she drove
25 defendant, KARL MILLER back to his hotel. KARL MILLER reported being drunk due to
26 numerous liquor shots mixed with cocaine. During the drive he stated: “In construction it’s about
27 who has the bigger dick. You don’t have a dick and you will never be respected.” Thereafter
28 plaintiff did not communicate with defendant, KARL MILLER for approximately two weeks, at